This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

+ *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.

+ *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.

+ *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.

+ *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at `http://books.google.com/`

NYPL RESEARCH LIBRARIES
3 3433 07480421 6

W W Haynes

THE

MISCELLANEOUS ESSAYS

AND

OCCASIONAL WRITINGS

OF

FRANCIS HOPKINSON, Esq.

VOLUME II.

PHILADELPHIA:

PRINTED BY *T. DOBSON*, AT THE STONE-HOUSE, N° 41,
SECOND STREET.
M,DCC,XCII.

5618

ПРИЧИНА
ИЗЪЯТИЯ
ПЕЧАТЬ

CONTENTS.

VOLUME II.

ORATIONS.	Page
On a learned education,	31
On peace, liberty, and independence,	13
On duelling,	24
On public ſpeaking,	34
On the learned languages,	41
In reply to the former,	49
In verſe,	58
On the the new conſtitution,	62
Dialogue on the addreſs of the philoſophical ſociety to Dr. Franklin,	69
On a law limiting the time of the general election to 8 o'clock,	76
The Pennſylvania aſſemblyman's vade mecum.	84
Obſervations on the bill for amending the penal laws,	93
On the ſame ſubject,	106
A ſuit in the high court of honour,	112
To the Rev. Dr. White on Church Muſic,	119
Surveying applied to portrait painting,	127
New ſources of amuſement,	138
On white waſhing,	146
Nitidias' anſwer,	161
The cobler No. 1.	169

Page

A typographical method of conducting a quarrel, 179

Observations of a foreigner on the jury trials of Engl. id, 194

Remarks of uncommon sense on a pamphlet respecting the affairs of the bank, 225

Specimen of a modern law suit, 247

The new roof, 282

The new roof, a song, 320

An intercepted letter from the centinel, 325

Objections to the new constitution, 329

Thoughts on the diseases of the mind with a scheme for purging the moral faculties of the people of Pennsylvania, 336

A full account of the grand procession at Philadelphia, on the 4th July 1778, 349

ORATIONS,

WRITTEN FOR, AND AT THE REQUEST

OF

YOUNG GENTLEMEN OF THE UNIVERSITY,

AND

DELIVERED BY THEM AT PUBLIC COMMENCEMENTS

IN THE COLLEGE HALL.

LADIES AND GENTLEMEN,

HAVING gone through the uſual courſe of education in this ſeminary of learning; having paſſed the ordeal trials of private and public examinations, I am now in full expectation of receiving thoſe parchment honours, which are to teſtify the ſucceſs of my ſtudies, and prove, to a believing world, that my labour hath not been in vain.

BUT it has been inſinuated to me, that before my temples can be crowned with collegiate laurels,

it is expected that I ſhould addreſs you, ladies and gentlemen, in an elegant ſpeech on this grand occaſion.

UNREASONABLE as this demand ſeemed to be, nevertheleſs, being long accuſtomed to ſubmit, I earneſtly endeavoured to comply with it. I had recourſe to books, to ſolitary walks, ardent invocations, and all the uſual provocatives to good writing. I choſe for my ſubject the dignity of the ſciences; and the excellent mode of attaining them in this univerſity. I began with a warm apoſtrophe to this building, in manner and form following:—Oh, ye ſacred walls! ye venerable ſtools and benches! and thou, expanded arch! that haſt ſo often echoed back the ſweet effuſions of thoſe aſpiring youths who have, in times paſt, been nurtured within your hallowed precincts—hear! oh hear! one of your lateſt ſons teſtify the ardour with which he feels himſelf inſpired!—Thus far, all was well—but what to ſay next was the difficulty. Whilſt I was making every poſſible effort to proceed, an unlucky line of a diſtreſſed poet, who was compoſing new-year's verſes, popped into my head, viz. "*What can I "ſay, that ha'nt been ſaid before?*"

THIS ridiculous queſtion quenched all my enthuſiaſm in a moment—like a ſpark drawn from the prime

prime conductor, the electrometer fell instantly, and I gave up the point.

NOTHING could be more unfortunate: I certainly propoſed, ladies and gentlemen, to have made you a very fine ſpeech, in the cuſtomary ſtyle, but my good intention having been thus unhappily fruſtrated, I muſt e'en depend upon the chance of the moment for what I ſhall ſay; and I doubt not, but that you, my benevolent hearers, will at leaſt wiſh me good luck, and a happy eſcape from my my preſent difficulty.

ALTHOUGH I am under a neceſſity to change the intended ſtile of my ſpeech, I ſhall not entirely abandon the ſubject I had choſen; but ſhall endeavour to give this polite audience ſome juvenile ſtrictures on the preſent ſyſtem of what is called a learned education: in doing which, I hope I may be allowed the privilege of ſpeaking freely without giving offence. Although I ſhall never think myſelf diſcharged from the obligations I owe to theſe my kind and reverend inſtructors, for their care and attention to me; yet, being now emancipated from their immediate control, I ſhall take the liberty of giving a free ſcope to my ſentiments, without regarding how far they may run foul of the ſtated opinions and prejudices of the ſchools.

To begin, then, the detail of our inſtruction.—After the youngſter hath been taught to ſpell, read, and write, in his mother tongue, he aſcends the firſt ſtep of learned education.—The *Latin language* is the object, to attain which, a Latin grammar is put into the poor boy's hands. This grammar is called the rudiments or foundation of that language: by which one might ſuppoſe, that the grammar had been given by inſpiration, and the Romans derived their language from it. But the fact is juſt the reverſe; for in every language, the grammar is, and muſt neceſſarily be, the reſult, and not the origin of that language: but notwithſtanding this undeniable truth, the Latin muſt be inculcated according to the method and diſcipline of the ſchools, *a poſteriori*, in more ſenſes than one.—Well! through this grammar, at all events, the bewildered pupil muſt wade, groping for a year or two in utter darkneſs, and learning by rote a complicated ſyſtem of rules, the propriety or application of which it is impoſſible for him to ſee in any inſtance.

These rules are framed partly in elegant proſe, and partly in much more elegant verſe, in order, I ſuppoſe, to inſinuate to the ſtudent ſome taſte for Latin poetry, whilſt he is learning the rudiments of the language. If I had not, ladies, a reſpectful

ſpectful regard for your ears, and no ſmall tenderneſs for my own teeth, I would give you a ſample of our grammar verſification.

After theſe rules have been got by rote, as I ſaid before, it may be thought that there is nothing more neceſſary to the knowledge of the Latin tongue—But Alas! this is only the beginning of troubles—The rules muſt not only be got by memory, but the exceptions alſo to thoſe rules—Now, good people, you muſt know that theſe exceptions, are ſo very numerous, that, in many caſes, it is immaterial which you chooſe for a ſtandard, the rule itſelf, or the exception.

The excellency of this method of teaching a language by means of its grammar, may be illuſtrated by a familiar parallel. You muſt know, ladies, that when a man ſtands, or walks, or performs any motions of the body, ſuch poſitions and motions are all reducible to mathematical principles. In all caſes, it is neceſſary that what is called the centre of gravity ſhould be ſupported, were it othermiſe, the perſon muſt unavoidably fall to the ground: and thus are all our movements reducible to ſyſtem. Now, if the preſent mode of education is right, and who dares aſſert it is not, you ſhould not ſuffer your children to walk,

or even attempt to walk, before they have learned theſe rules, for which purpoſe you muſt neceſſarily provide mathematical nurſes and geometrical dancing maſters. Oh the excellence of learning! What delight muſt it afford the fond parent, to ſee young maſter ſtanding like the rafters of a houſe, and miſs dancing in triangles, rhomboides, and trapeziums.

But to proceed. We will ſuppoſe the young ſtudent hath made ſome advances in the knowledge of the Latin language, according to the method propoſed. The firſt obſervable conſequence is, that he loſes, or at leaſt gains, no ground in a taſte for the elegancies of his native tongue. His diction becomes ſtiff and awkward, and his hand writing intolerable. So that whilſt he is ſtudying the anatomy of a dead language, he remains a ſtranger to the beauties of the living.

It is probable that there are many amongſt the ladies, whom I have now the honour to addreſs, who have never ſtudied grammar, or know any thing of its rules; and yet I venture to affirm, that a few lines, written by your fair hands, and dictated by gentle nature, ſhall convey more lively ſenſibilities, and ſhall find a ſhorter way to the heart, than a whole page—aye, or forty of them—compoſed by the moſt learned grammarian, with

Dilworth

Dilworth on his right hand, and *Entick* on his left.

In the mean time the aſſiduous youth reads *Ovid's Metamorphoſis*, for the improvement of his morals; and learns from *Horace*, to be chaſte and temperate. *That* time which might uſefully be employed in ſtudying the hiſtories of thoſe nations with whom we are, or may be connected, is conſumed in reading the delectable and lamentable ſtory of *Æneas* and queen *Dido*. The one, a hero of ſo inſignificant a caſt, that all the laudable ingredients of his character may be compriſed in the words *Pius Æneas;* and the other, to ſpeak delicately, not the moſt ſhining example of female virtue and moderation. The one, a diſcourteous knight, and the other a furious enamorata.

It juſt occurs to me, that Dido's greateſt misfortune was, that ſhe lived in a barbarous age, when lawyers were not to be had for love or money. Had her famous amour happened in our day, ſhe might have recovered at leaſt £. 750 damages;* which, all things conſidered, would have been much

* This alludes to a circumſtance of the time ſomething like the caſe of queen *Dido*.

much better than cutting her throat upon a wood-pile—As deſperate Dido did—This by the bye.

THE young ſtudent is at length fitted for the higher claſſes of ſcience. He learns mathematicks, geography, natural philoſophy, logic, ethics, and metaphyſics.

WITH reſpect to the three firſt, I would only ſay—That if they were diveſted of ſome ſcientific pedantry (I mean as they are taught in the ſchools), they are worthy the attention of a rational mind, inaſmuch as they advance the knowledge of truth; for of all valuable things, *truth* is the moſt valuable.

BUT of all the ſyſtems of complicated nonſenſe, that ever puzzled the buſy brains of mortal man, *logic* is ſurely the moſt inſignificant. An art which no ingenuity can apply to any one uſeful purpoſe of life. Imagine to yourſelves, gentle hearers, a ſociety of *logicians*, whoſe converſation in the common occurrences of life ſhould be conducted in *ſyllogiſtic* mode and form. The learned houſekeeper goes to market, and endeavours to perſuade the butcher to lower the price of his mutton in *celarent*; the butcher enforces his demand in *barbara*. The logical lover alſo attacks his dulcinea in form. He aſſures her, in *particular affirmatives*,

firmatives, that he is enamoured of her charms; and from theſe premiſes, draws an artful concluſion, that ſhe ought to encourage his paſſion, and return his love. The lady replies, in *univerſal negatives*. The gallant then plays off his whole battery in a compacted *ſorites*. The lady anſwers only in the *ſimple form*—a weakneſs is diſcovered in her *middle term*—ſhe is reduced to a *dilemma*, and ſurrenders at diſcretion.

In ſuch a proceſs, what is to become of Cupid and his darts! What is to become of the logic of the eyes, and a thouſand nameleſs expreſſions of the feelings of the heart, which nature alone can dictate? What is to become of them! Why they are entirely out of the queſtion. Syllogiſms—invincible ſyllogiſms, muſt ſupply their place. What is learning good for, unleſs it makes us wiſer than nature?

But I may be told that logic never was deſigned for ſuch purpoſes; and that its uſe is the diſcovery of truth, and the detection of error—Here I join iſſue—and am bold to aſſert, that from the days of Ariſtotle to the preſent moment, mankind are not indebted to *logic* for the diſcovery of any one uſeful truth, or the detection of any one dangerous error—and further—that no man ever was *convinced* by a ſyllogiſm—But I obſerve their

their reverences begin to frown—I ſhall, therefore, not urge this ſubject any further.

Ethics and *metaphyſics* bring up the rear of a learned education. It would tire your patience, my indulgent hearers, ſhould I enter upon a detail of all the whimſical abſurdities with which theſe ſciences abound. If a man ſhould conduct himſelf through life, according to the ſtrict rules of *ethics*, he would be juſt as ridiculous as the knight of *La Mancha*, governing himſelf in the moſt common occurrences by the ſolemn formalities of chivalry.

As to *metaphyſics*, it is a viſionary ſyſtem, wherein uncertain concluſions are drawn from uncertain premiſes, and in which the very terms uſed have no determinate meaning. The whole is an ingenious fabric built in air; having no real, known foundation, whereon to reſt: not unlike the Pagan creed, that the world ſtands upon the horns of a bull; the bull on the back of an elephant; the elephant on a great tortoiſe; and the great tortoiſe upon nothing.

It muſt be owned, however, that we are indebted to metaphyſics for ſome very curious and entertaining riddles: ſuch as—that *infinite* carried beyond

beyond *infinity* becomes *finite*—that one *infinity* may be twice as long as another *infinity*—that *ſoul* is not *matter*, and that *matter* is not *ſoul*; and in ſhort, that it is no matter whether there be any ſoul or not—Oh! the heighths and the depths of learning!

THUS, ladies and gentlemen, I have given you the outlines of a ſcholaſtic education. My firſt intention was to have diſcuſſed this ſubject in high ſtrains of panegyric; but as this will be better done by ſome of my fellow-ſtudents, I refer you to them for thoſe ſublime flights of imagination which pleaſe the ear, but have nothing to do with the underſtanding or with truth.

I ſhall conclude my addreſs with one reaſonable requeſt, which is, that you, my benevolent auditors, may extend the ſame indulgence to me you uſually do to the orators of this place, by forgetting every word you have heard as ſoon as you have left this hall *.

As our deſign looks no farther than preſent entertainment, it would be unfair to make us reſponſible for the opinions we ſport with, which ſhould never

* There is a pulpit on the ſtage, and the hall is frequently uſed as a place of worſhip.

never after riſe up in judgment againſt us. I urge this, not merely for my own ſake, but in behalf of my fellow-ſtudents alſo, who will doubtleſs, in the heat of their zeal, advance many things, which they would no more undertake to ſupport than I, if called upon, would defend the obſervations and ſtrictures I have juſt had the honour to deliver.

*On PEACE, LIBERTY, and INDEPENDENCE.

THE preſent topic of converſation, the object of univerſal attention, and the idols before which the unthinking multitude proſtrate themſelves in ſuperſtitious adoration, are the late moſt glorious peace, as it is called, and the freedom and independence of the United States of America eſtabliſhed thereby. *Peace*, *liberty*, and *independence*, have been echoed from one end of this great continent to the other, and their praiſes ſet to every note in the ſcale of muſic: they have been beproſed, and be-rhymed, and be-fiddled out of all meaſure, and out of all tune, as if the proſperity—nay, the ſalvation of our country, had no other foundation whereon to reſt.

FOR my part, I do not find myſelf diſpoſed to throw my judgement into the common ſtock, to be carried

*The arguments uſed in this ſpeech are manifeſtly *ironical*; but the profeſſors conſidered it as burleſquing the ſubject, and would not permit it to be delivered.

carried down by the undiſtinguiſhing current of popular opinion—*Peace*, *liberty*, and *independence!* Very pretty words indeed; they look exceedingly well on paper; whether they be written in round hand, Italian hand, ſquare text, German text, or any other text, provided they be fairly written. This may pleaſe the eye; but let us conſider a little how they will ſatisfy the underſtanding; how far they are calculated to meet the approbation of an inquiſitive, penetrating mind: and this will beſt be aſcertained by taking a view of the conſequences and effects which they are likely to produce.

As to the firſt—Can any thing be more abſurd than to ſuppoſe that *peace* is really productive of happineſs? Is not the contrary demonſtrable? Let us, for a moment, imagine that all the inhabitants of the world ſhould remain for a whole century in perfect peace and harmony. That no ſuch thing as public war, or private quarrels, ſhould exiſt in that period, a ſituation, to be ſure not poſſible, nature having wiſely ordered matters otherwiſe; but ſuppoſe it to be ſo, What would be the conſequence? The uninterrupted friendly intercourſe between nations by commerce, and between individuals by contract, would ſoon reduce the wealth of the world to a level. All emulation would ceaſe, and every ſpur to induſtry be blunted,

or done away. Luxury and inſolence would, like a general plague, infect communities, and ſpread their baneful influences every where. The courſe of human life, running on in even channels and an unbroken calm, would become inſupportably tedious, and engender green melancholy, and ſour diſcontent, unleſs accidental diſcoveries of artificial gratifications, for artificial appetites, ſhould now and then occaſion ſome ſlight variations in the diſguſting ſcene, by affording a temporary but fatal relief. A miſerable corruption of morals, debauchery, and conſequent languor and diſeaſe, would reduce the human ſpecies to a ſtate of degeneracy; inſomuch, that for aught I know, a ſecond deluge would be neceſſary to purge the earth of its filthy inhabitants. No, it is *war*—ſpirited *war*, the claſhing of intereſts, interfering paſſions, public conteſts, and private animoſities, that give energy to the purſuits of men, and furniſh a theatre whereon the heroic virtues of the heart, and the active powers of the mind, may exhibit themſelves to advantage. Look round, and you will find that nature, in all her works, ſhews a fondneſs for conteſt, having made oppoſition the life of the world. What is animal health but a due mixture of contending qualities? Solids melting into fluids, and fluids coagulating into ſolids; acids and alkalies maintaining perpetual war, and ruſhing together in effervеſcing conflict; vio-

lent inteſtine motions from fermentation and digeſtion; muſcles contracted by muſcles, pulling in oppoſite directions, and every property balanced by another of a contrary nature: let all this internal conflict be compoſed; let the animal microcoſm be in perfect peace, and the certain conſequence will be death and putrefaction. So alſo in the elements: ſhowers of rain, ſtorms of wind, thunder and lightning, are abſolutely neceſſary in the œconomy of our atmoſphere. Without theſe, the healthful air would ſoon become a peſtilential vapour, and the vaſt ocean, a ſtagnant pool of corruption. It is manifeſt, therefore, that nature delights in conteſt; and never intended that either the moral, or material world ſhould remain in uninterrupted peace.

As to *liberty*, it is difficult to ſay in what it really conſiſts. Men having not yet affixed any preciſe idea to the word. The people of different countries have very different notions of it. What a European would call *liberty*, a *Cherokee* Indian would conſider as a moſt cruel reſtraint. If the word be taken in its fulleſt extent, viz. a right and power to do whatever we pleaſe, it is a privilege which no man ever did or could enjoy; an imaginary ſtate of nature, in which men are ſuppoſed to have lived without control, and in which every

individual was a ſovereign, has ſerved as the foundation of many ingenious ſyſtems, and learned diſſertations, by civilians, moraliſts, and metaphyſicians; but even theſe profound philoſophers are ſo far from eſteeming ſuch a ſtate a bleſſing, that they derive all the advantages of civil ſociety, and the good of mankind from a reſignation of this natural liberty, which they aſſure us is altogether incompatible with the ſecurity and happineſs of the individual.

But if we take the word in a more limited ſenſe, as it is generally conſidered, when the terms *civil* or *political* liberty are uſed, I would aſk, what are the great advantages derived from it? or, rather, what inconveniences does it not bring with it? *Civil liberty* conſiſts, chiefly, in a people's being governed by no laws, but ſuch as they have themſelves made or aſſented to; in not being obliged to part with their property without their conſent; and in holding their lives and eſtates ſecure from the capricious reſentments of arbitrary power, or the graſping hand of over-weening avarice: but ſhould not a prudent man conſider that all this liberty brings with it a deal of trouble and expence?

Had *Great-Britain* ſucceeded in her views with reſpect to this country, we ſhould not have been

put to the laborious taſk of framing laws for our own government, a taſk which we ſeem but indifferently qualified to perform; we ſhould have been rid of the intolerable plague, the heart-burnings, feuds, cabals, and chicaneries attending popular elections, and we ſhould have been eaſed of the enormous expence of aſſemblymen's wages, commiſſions, fees and ſalaries to the officers of government, and a thouſand other charges and inconveniences to which we muſt now be ſubjected: we ſhould have had nothing more to do, but to pay when called upon, and obey when commanded. This further conſideration ought alſo to have ſome weight, that if we had been cruelly and unjuſtly oppreſſed by a people three thouſand miles off, all the world would have pitied our ſituation, which is no ſmall conſolation in trouble, and exclaimed againſt the tyranny of our oppreſſors: whereas, ſhould things go wrong now, we ſhall have none to blame but ourſelves; and when we complain, the natural anſwer will be, if you have placed men in power who abuſe their truſt, it is your own fault:—why did you not make a better choice? Your ſufferings are the effect of your own folly, and therefore you deſerve no pity. Theſe are ſerious conſiderations. As to property being ſecured by political liberty, I would obſerve that this is a poſition more ſpecious perhaps than true. The

payment

payment of no taxes, but ſuch as are levied by our own conſent, form a pretty arrangement of words and ideas; but, ſtrictly ſpeaking, the fact is ſeldom really ſo. No man pays a tax with his own conſent, that is, he would rather not pay it, if he could refuſe with honour and ſafety. The payment of taxes is always attended with ſome reluctance of mind, and often with open murmurings and complaints, either as to the time, purpoſe, or proportion of the tax. The caſe is quite otherwiſe when money is taken from us by the ſtrong hand of arbitrary power: all reaſoning, all deliberation is out of the queſtion—we have nothing to do but pay—and ſo the mind is ſaved a deal of trouble and vexation. This *paying* may, indeed, have a tendency to poverty—and ſo much the better; for poverty incites induſtry, and induſtry is the mother of health and contentment.

To illuſtrate my meaning by a familiar inſtance: ſuppoſe a traveller meets a friend on the road, who requeſts him to give or lend him a ſmall ſum of money for a preſent purpoſe: the traveller heſitates; he cannot decently refuſe; and yet he would rather the requeſt had not been made: in this conflict his mind ſuffers no ſmall anxiety. But ſhould a highwayman preſent a piſtol to his breaſt, and with oaths and imprecations de-

mand his caſh, with what chearfulneſs, with what expedition will he produce his purſe? and think himſelf happy in coming off ſo well.

WITH reſpect to life's not being ſecure under a deſpotic government, I have only to obſerve, that no one can juſtly complain of an injury he never ſuffered; and that after the evil hath happened, the party will not be in a condition to complain. So much for civil liberty.

BUT *independence*, cries the American; What have you to ſay againſt *independence*? The glory of our country, the reward of our valour, and the fruit of our ſeven years ſufferings, and bloody conteſt. This is mere popular exclamation. Let us view the thing in its true light, and we ſhall find that all the diſadvantages attending civil liberty, ſome of which I have enumerated, are applicable to independence, together with many additional conſequences.

WHILST we were dependent upon Great Britain, we had no trouble in ſtudying the characters, cuſtoms, and manners of foreign nations; the Engliſh were ſo kind as to furniſh us with all their ideas on theſe ſubjects. They told us, that the *French* are a trifling and contemptible nation; that

that the *Spaniards* are proud, ſullen, and revengeful; the *Germans*, oſtentatious; the *Hollanders*, boors; the *Ruſſians*, ſavages; and, in ſhort, that the Engliſh were themſelves the only people fit to live and govern the word, as if all other nations held their dominions by uſurpation. How eaſy was it to believe all this? Implicit faith ſaves an infinity of trouble. How happy were we in ſubmitting to the government, adopting the prejudices, and aping the manners of a nation, which we conceived to be the glory of the world, and the perfection of human nature?

WHEREAS, now, we are under the painful neceſſity of altering our ſentiments. We are compelled by actual experience to acknowledge, that the *French* are a brave, generous, and poliſhed people: and that none of the other nations are, in truth, ſuch as they have been repreſented to us. Our commercial connections will convince us that human nature is fundamentally the ſame in every country. That good and bad men are to be found in every climate; and that the people of England have not actually monopolized all the virtue and wiſdom of the world. Every conviction of error, is a violence done to the mind, inaſmuch as the forcible eradication of a preju-

dice muſt be attended with a painful ſenſation. The blind man is happy in his blindneſs, and the ignorant content with his ignorance. The wiſeſt of men, has ſome where told us, that the encreaſe of wiſdom is the encreaſe of ſorrow.

ANOTHER inconvenience attending our independence is this—The impoſts and duties heretofore laid on our commerce, contributed to the revenue of a prince three thouſand miles diſtant, it was therefore not thought diſreputable for the merchant to evade the payment of thoſe duties, if he could. How delightful was it to exerciſe every ſpecies of ingenuity and craft in bilking collectors and cuſtomhouſe officers! And how ſweet was the enjoyment of the profits ſo obtained! But our independence has deprived us of all theſe commercial advantages; as it would be diſhonourble, and even wicked, to evade the duties laid by our own laws, and for the ſupport of our own government.

I have now diſcharged my conſcience, and ſhall leave the deciſion to your own judgments. If, notwithſtanding all I have ſaid, and all I might have ſaid, you will be ſo blind as to prefer a ſtate of freedom, with all its cares and troubles, to a ſtate of dependence and ſlavery, which requires nothing but implicit faith, and implicit obedience:

if

if you will perſiſt in maintaining a right to make your own laws, and levy your own taxes, although a foreign power ſo kindly offers to take this trouble off your hands, you muſt e'en abide by the conſequence, and enjoy the event as well as you can.

☞ AT a public commencement in the univerſity, an argument was held for and againſt the practice of DUELLING; the following ſpeech was written for the young gentleman who took the defenſive ſide.

—— I Marvel my fellow-ſtudent did not aſcend the pulpit, and deliver his pious harangue from thence. You have been entertained, my worthy hearers, with a ſort of chapter againſt DUELLING: the orator has entrenched himſelf behind certain texts of ſcripture, and ſome vulgar prejudices—theſe make up the ſum total of his argument; for, as to the reſt, it was mere declamation.

You may make what uſe you pleaſe of his fine ſpeech; but if you imagine that his private ſentiments coincide with his public declamation, you may find yourſelves much miſtaken. He has too much good manners to interrupt me, or he would probably aſk,—how I came to know his private ſentiments? I anſwer from his own words juſt now delivered: "I hope, (ſaid he) this polite audience will give me a candid hearing upon this ſubject, and entertain no unfavourable ſentiments of my

my courage, though I ſhould condemn it"—meaning the practice of duelling. This preparatory *ſalvo* may be paraphraſed thus: "I am going, good people, to give you a declamation againſt the cuſtom of fighting duels. This you muſt know is not an undertaking of my own choice, but has been impoſed upon me. I muſt, therefore, make the beſt of it I can. But if you, or any of you, ſhould conclude from what I ſhall now ſay, that I have not courage to defend my inſulted honour, I tell you before hand, you have miſtaken your man." This much, indeed, I can anſwer for the gentleman—I have known him ſome conſiderable length of time, and have not found him more meek and patient than his neighbours: but I leave him to anſwer for himſelf, and only requeſt your kind attention, whilſt I offer ſome arguments in anſwer to his fine ſpeech, and in juſtification of the practice of duelling.

THE gentleman has told us, that duelling derives its origin from the *Goths* and *Vandals*, and thoſe other barbarous nations which over-ran Europe, and extinguiſhed all the refinements of art, ſcience, and morality: that theſe ſavages, not having ſagacity ſufficient to determine in matters of private controverſy, referred the diſpute to the deciſion of heaven, by bringing the parties to mortal combat,

under

under a belief that God would interfere in favour of right and juſtice.

SUPPOSING this to have been the real pedigree of duelling, I think it no diſhonourable one: it was neither irreverend nor irrational to believe in a particular, as well as a general providence, and to ſubmit to his unerring judgment and all-ſeeing eye, the detection of truth, and the adminiſtration of juſtice.

BUT I ſhall delve much deeper for the root of this practice; and am confident in aſſerting, that it is not founded in the cuſtoms of any particular age or nation, barbarous or civilized; but is inherent in the nature of man; is part of his original conſtitution, and coeval with his creation.

BEFORE laws were formed for reſtriction, or revelation given for inſtruction, man walked in the paths of natural liberty: he had a right to every thing his ſtrength or wiſdom could acquire, and to reſent every injury according to his power and magnanimity. This right was indelibly recorded in the texture of his conſtitution: his Creator had given him ſuch paſſions of the mind, and ſuch powers of body for the purpoſe, as could by no means be miſtaken. The ultimate object was the happineſs

pineſs of the individual, in its ſuſtenance and ſecurity: but the race of mankind greatly encreaſing, their intercourſes and interferences became more frequent. The weak and timid were not able to ſtand againſt the ſtrong and courageous: they loſt their property, and had not ſtrength to recover it: they received inſults and injuries, and had not ſpirit to reſent. At length they had recourſe to cunning to obtain that ſecurity which they could not accompliſh by valour; and formed a device which ſhould put the weakeſt upon a footing with the ſtrongeſt of their own ſpecies. This was the origin of civil ſociety. A ſolemn compact was made, wherein every individual, for himſelf, and for his poſterity, reſigned his natural liberty, and natural rights, into the hands of the collective body of the whole.—And what did the individual receive in return? Why a ſolemn aſſurance, that all his injuries ſhould be redreſſed, his property ſecured, and his perſonal rights and dignities ſupported and defended by *the whole*.

It is on this compact that I ground my arguments in defence of duelling. The powers of this *whole*, or of ſociety, are exhibited and exerted in the execution of laws. To the laws, therefore, muſt every individual apply for juſtice. And I do not heſitate to acknowledge, that in all caſes, where

where the laws can give compotent ſatisfaction, no man ought to attempt the redreſs of his own wrongs. But if there ſhould be caſes wherein a man may ſuffer the moſt attrocious injuries, and the moſt provoking indignities, for which the laws have made no proviſion at all, or no adequate proviſion, I ſay recourſe may and ought to be had to original natural rights for redreſs; the compact between the *whole* and the individual having been ſo far violated on the part of ſociety.

For inſtance; if my neighbour ſhould claim a title to my land, it would be very abſurd in me to ſend him a challenge to determine on titles by ſword and piſtol. The laws of the country are quite competent to this buſineſs, and by the ſocial compact aforeſaid, I, or my anceſtors for me, agreed to ſubmit the determination to them. But if an adverſary, either in my preſence, or behind my back, ſhould load me with unmerited abuſe, ſtain my reputation with injurious falſehoods, and ſcandalize me with the approbrious terms of *rogue*, *raſcal*, *ſcoundrel*, *villain*, &c. how am I to obtain redreſs? I appeal to the laws; the learned judge puts on his ſpectacles, and after turning over his common place book, and referring to many folio authorities, he tells me, with phlegmatic ſolemnity, that he can find no ſuch words there: that the

the law has aſſigned no meaning to theſe appellations; and that my action will not—Heavens and earth! what has my wounded honour to do with law meanings? Hath not all the world agreed in the obloquy of theſe terms? Do they not imply every thing that is baſe, diſhonourable, and contemptible? But they are not known in law. Very well; I appeal then to thoſe laws which are not too learned to underſtand, nor reluctant in recognizing the manifeſt injury that has been done to me; I appeal to the court of nature, where I am ſure my action will lie. I ſay, that in ſuch inſtances, the compact with my progenitors hath been broken by ſociety; and that neither they, or myſelf, ever gave up this right of appeal.

It ſeems then ſufficiently manifeſt, that I ſtill retain a natural right to reſent thoſe injuries for which the laws of ſociety have made no proviſion. But how am I to do this? By ſecret machinations! by poiſons! by aſſaſſination! No—Heaven forbid! Neither the laws of nature, or of honour, juſtify ſuch treacherous practices. I reproach my adverſary with the unprovoked wrong. I call him forth to defend the licentiouſneſs of his tongue by the valour of his arm. I generouſly put myſelf upon the ſame footing with my foe. I expoſe my life

life in defence of my reputation, which is dearer than life, and depend upon Heaven, and the juſtice of my cauſe, for the important event.

It is in vain to oppoſe a few ſophiſtical reaſons and vulgar prejudices, to a cuſtom authoriſed by nature, confirmed by the practice of every age and nation, ſanctified by divine permiſſion, and avowedly eſtabliſhed by the civil law.

It may be thought that I have ventured too far in theſe aſſertions; but I have ventured no farther than I can well juſtify.

That it is authoriſed by nature, I have already ſufficiently ſhewn. That it hath been the practice of every age and nation, will not be denied. Hiſtory abuduantly proves it. That it hath been ſanctified by divine permiſſion, may be ſhewn in many inſtances. Not to be tedious, I ſhall only refer to the famous duel fought between *David* and *Goliah* in the valley of *Elah*. But that this cuſtom, or at leaſt the principle on which it is founded, is eſtabliſhed by the civil law, requires a little explanation.

I aſk, then, in what law of nature is the law of nations founded which juſtifies public war? What

What ſay the books? The moſt approved writers on this ſubject? They tell us, that if a diſpute happens between two princes, or the nations over which they preſide, there is no power on earth authorized to determine the controverſy. There are no degrees in ſovereignty. Nations are to be conſidered as individuals in a ſtate of nature, and the civil law is nothing more than the laws of nature reſpecting individuals applied to nations, ſo far as that can be done with conſiſtency. Therefore, ſay theſe authorities, as there is no earthly judge impowered to determine a controverſy between nation and nation, the parties muſt, and have a right to, take up arms, and reſt their cauſe on the bloody arbitrament of war; truſting that Heaven will favour the right. In fact, the contending nations fight a great and mighty duel. And are not theſe the very principles upon which I have endeavoured to juſtify private duels? If all the powers of earth ſhould agree to a form a national ſociety, and ſhould reſign their reſpective individual ſovereignties into the hands of *the whole*, and form a ſyſtem of a general law for the adjuſtment of national controverſies, and the redreſs of national wrongs, public war would then become unjuſtifiable, unleſs in caſes where no proviſion had been made by the general ſyſtem: in ſuch caſes the contending powers

powers would certainly go to war, and fight a national duel.

HAVING been thus large in eſtabliſhing a ſolid foundation whereon to reſt my argument, I ſhall not take up much of your time in what remains. I ſhall rather ſuggeſt hints than dilate opinions on the uſes and benefits which ſociety derives from the exiſtence of this cuſtom.

FOR theſe we need only look into the ſcenes of polite life, public aſſemblies, the army, the navy, and the courts of princes. If every hot tempered, over-bearing, ill-mannered fellow could indulge his ſurly humour, or vent his capricious ſpleen without apprehending any conſequences, but ſuch as the heavy paced law might bring on, our ſcenes of pleaſure, urbanity, and politeneſs would become bear-gardens of confuſion, reſounding with noiſy broils, and malicious altercations. A duel—the fatal determination of ſword or piſtol is a very ſerious buſineſs. Even the moſt paſſionate and imprudent caveller, will be cautious how he involves himſelf in ſo troubleſome an affair. And this conſideration keeps many a licentious ſpirit within the limits of decorum.

A pru-

A prudent man will take every reaſonable, every honourable, means to prevent a quarrel from coming to ſo critical an iſſue, and will advance as far towards explanation and reconciliation as may be conſiſtent with his enjoyment of that reputation and eſteem, without which life itſelf is of little value.

I readily acknowledge, that duels ſometimes happen upon too trivial occaſions; and that the rational and honourable means of clearing up miſtakes, and reconciling differences, are not always employed as they ſhould be; but the abuſe of any principle or practice ſhould not be admitted as an argument for its abolition.

LASTLY, the rays of beauty ever gild the laurels of the brave. He who has not ſpirit to defend his own honour, will make but a poor protector of the delicate ſex. The lovely nymph will turn aſide from the ſighing inſignificance of the perfumed coward; and ruſh to meet the hero, panting with love and the toils of war. When an *Alexander* and a *Thais* unite, every voice is ready to join in chorus with the poet.

"Happy! happy! happy pair!
"None but the brave deſerves the fair."

*On PUBLIC SPEAKING.

LADIES AND GENTLEMEN,

WE have invited you to this place, and you have condeſcended to accept of our invitation. It is rather too late now to enquire what our abilities can furniſh for your entertainment; or, what your expectations ought to be. Here we are, and notwithſtanding much ſelf-ſufficiency and flattering hope, on the part of my companions, it turns out juſt as I expected; that we muſt depend on your good nature for a favourable reception, and not on the excellence of our performances.

My own opinion was much oppoſed to the whole ſcheme, being greatly apprehenſive, that we ſhould only expoſe ourſelves before ſo polite and judicious an audience. But no—it would be *fourth of*

* The young lads of the college invited their friends to hear ſome public ſpeaking on the 4th of July 1785; this ſpeech was delivered as introductory to the entertainment of the day.

of July—every one had ſomething clever to ſay on the occaſion—the ſubject would recommend itſelf—the ladies would be pleaſed—the gentlemen would have too much complaiſance to oppoſe their opinions with harſh criticiſms—and all would be well:—I wiſh it may be ſo with all my heart.

It muſt be confeſſed, that this public ſpeaking is but a dull kind of entertainment, eſpecially when adminiſtered by young and unexperienced orators, on ſubjects which have been ſo frequently and fully inveſtigated, as to leave ſcarce a flower in the field for us to gather. In this ſituation what more can we do than make a very good bow at the beginning of our ſpeech, and a much better one at the end of it; and even this is more than we are all able to perform, as you may have already obſerved.

It is cuſtomary with profeſſed and ſkilful orators to ſupplicate the candid indulgence of their auditors. This is frequently, with them, only a ceremonious compliment; but with us, you may depend upon it, it is a ſincere and earneſt requeſt. For it muſt certainly exerciſe the moſt practiſed patience, to ſee a lad ſtand, bolt upright for half an hour, like the definition of a perpendicular line in Euclid, and utter what he calls a *ſpeech*; or to ſee

ther bounce about the ſtage, and vociferate an oration; as if eloquence was the produce of agility of body and ſtrength of lungs. The only apology that can be made is, that we do the beſt in our power, and are in hopes of performing better hereafter.

To ſpeak in public with propriety and effect, requires many talents, natural and acquired. The object of all public ſpeaking is *perſuaſion:* to make other people believe or act according to the ſpeaker's mind. For this purpoſe, it is neceſſary that the orator ſhould have a *pleaſing addreſs, a lively imagination, a thorough knowledge of his ſubject, and a good ear*, with reſpect to the language in which he is to deliver his ſentiments.

First impreſſions have an unavoidable influence on the mind. The moſt judicious and impartial hearers conceive ſome predilection for, or prejudice againſt, the ſpeaker on his very firſt appearance. It is, therefore, of great importance, that a genteel manner, and graceful addreſs, ſhould beſpeak the favourable attention of the audience; otherwiſe, the orator will not only have to encounter the difficulties incident to his ſubject, but muſt alſo labour againſt a foreign influence: whereas a genteel figure, graceful deportment, and a pleaſing ad-

addreſs, ſometimes operate in his favour to greater advantage than all the force of his arguments; and what is of infinite importance, he is ſure of the good opinion of the ladies.

A lively imagination will enable the orator to throw an air of novelty over his ſubject, and to preſent it in points of view in which it hath not frequently been conſidered. To enforce his arguments with apt alluſions, and embelliſh the whole with ſtriking metaphors. To hear a dull and hackneyed ſubject elaborately diſcuſſed by a dull and phlegmatic ſpeaker, affords about as much entertainment, as to hear a demonſtration from Euclid, proving a propoſition, which cannot be denied; or a ſtring of logical ſyllogiſms, proving nothing at all.

A thorough knowledge of his ſubject, I have laid down as the next requiſite in a public ſpeaker. This, I confeſs, is not abſolutely neceſſary; as there are many who make a very tolerable figure without it. It might, indeed, be extremely inconvenient to make this rule ſtrict and general, inaſmuch as there would be danger of ſilencing one third of the gentlemen of the bar; one-half of the orators of the pulpit; and three-fourths of the ſpeakers in parliaments and houſes of aſſembly:

yet it ſeems but reaſonable, that an author ſhould have ſome knowledge of the ſubject he is handling; and, therefore, this rule is rather recommended than inſiſted upon.

A good ear is the laſt mentioned, though not the leaſt important qualification of a good ſpeaker. If his language is pure, his periods harmoniouſly arranged, and his voice melodiouſly adapted to the conſtruction of every ſentence, the orator will not fail to charm his hearers, even though there ſhould be but a very ſcanty portion of ſolid ſenſe diluted in his flowing rhetoric. The mind is inſenſibly captivated by pleaſing ſounds, and the moſt obdurate judgment yields to the magic influence of ſweet harmony. It is, therefore, abſolutely neceſſary that authors of little ſenſe ſhould pay great attention to the powers of ſound; for every hearer expects to be either inſtructed or pleaſed; and he has a right to expect it.

It is next to impoſſible to lay down rules for harmonious compoſition. When words and ſentences are ſo arranged, as to produce a pleaſing melody, all acknowledge the effect, but none can point out that particular conſtruction in which the magic conſiſts. Grammar rules have nothing to do with it; for a ſentence may be ſtrictly grammatical

matical, and yet as offenſive to the ear as the ſharpening of a ſaw. For inſtance, obſerve the contraſt between the two following ſentences; both of which are equally unexceptionable in point of grammar.

"Some have a happy talent of expreſſion, whereby they compenſate the want of ſentiment, by the melody of their ſtyle; their language, ever flowing like a wave of the ſea, and their periods cloſing in ſuch muſical cadence, that the ear is faſcinated by the magic of ſound, and the mind lulled in a pleaſing repoſe."

"Others, without giving to grammar rules offence, ſhall arrange ſo unſkillfully their words, breaking, as it were, and interrupting the ſenſe, or rather nonſenſe, they mean to inculcate, by frequent (and oft-times unneceſſary) parentheſis, that the ear ſtumbles through the rugged paragraph, as the feet would ſtumble in ſcrambling through a ſtreet, when the pavement had been broken up, over bricks, ſtones, and poſts, mixed together confuſedly."

A fine ſpeech, like a fine lady, enforces attention, and captivates the heart. When it deſcribes pleaſing

pleaſing objects, it is beautiful nature, dreſſed by the graces; when it ſoars in the ſublime, it elevates the ſoul, and animates the nobler paſſions: it gives to perſuaſion irreſiſtible force, and bids the tear of pity fall, like the dew of heaven—gently fall—on virtue in diſtreſs.

On the LEARNED LANGUAGES.

LADIES AND GENTLEMEN,

I AM ſenſible of the dangers and difficulties to which an orator expoſes himſelf, who boldly adventures to oppoſe public prejudices, and contradict eſtabliſhed opinions, and yet without this literary heroiſm, philoſophic truth had never been brought to light. A rigid adherence to doctrines generally admitted, would have fixed us at this day in the errors of ancient ſyſtems, or have left us involved in the whimſical vortices of the modern *Deſcartes*.

THE generality of mankind receive for truth, whatever may be handed to them as ſuch, by thoſe whom they have been accuſtomed to eſteem as men of profound learning. They are not anxious to enquire for themſelves; becauſe enquiry is replete with trouble, and it is much eaſier for them to adopt the opinions of others, than to form opinions for themſelves. Had aſtronomers told the multitude, that the ſun is twice the diſtance, or but half

half the diſtance from the earth, that he is now ſuppoſed to be, it would have been ſo believed; not one in a million would have thought of detecting the error by calculation. But woe to the man who attempts to unhinge the popular ſyſtem! *Galileo* was impriſoned and perſecuted for aſſerting that the earth revolved on its axis, and was compelled publicly to renounce a truth of which he was fully convinced, and of which there is now no doubt remaining.

THESE preparatory obſervations I thought neceſſary, as an apology for the manner in which I propoſe to handle the ſubject aſſigned to me: to wit, *the uſe and advantages of what are called the learned languages in the education of youth.*

THESE advantages ought, indeed, to be very great and manifeſt to compenſate for the precious time ſpent in acquiring them. Let us, for a moment, if poſſible, lay aſide former prejudices, and conſider the ſubject with candour and impartiality.

THE benefits to be expected from the ſtudy of the dead languages, muſt, I think, flow from ſome or all of the following ſources. It muſt either

open

open a doorof knowledge, to which there is no other means of acceſs, or will poliſh the manners, and enrich the mind with ideas not otherwiſe to be acquired; or will ſerve as a key to all other languages, and become a vehicle of univerſal communication.

With reſpect to the firſt I venture to aſſert, and think it will hardly be controverted, that there is no ancient author, Latin, Greek, or Hebrew; philoſopher, hiſtorian, or poet, of any reputation, whoſe exiſting works have not been tranſlated by able hands into moſt of the modern languages of Europe. So that there can be no knowledge contained in thoſe works to which the reader of the preſent day may not have acceſs by the eaſy medium of his native tongue. The treaſures of the ancients have been minutely ſcrutinized, and every article of value held up to public view, and faithfully reflected from the mirrours of modern languages.

Neither can I ſee, in the ſecond place, how an acquaintance with the Latin, Greek, or Hebrew tongues ſhould neceſſarily poliſh the manners, or enrich the mind with ideas not otherwiſe to be acquired. Is there an inherent magic, a ſupernatural fecundity, in thoſe ancient languages which modern

modern modes of ſpeech cannot boaſt? When a plain man reads in his Bible theſe words: "In "the beginning was the word, and the word was "with God;" has he not the ſame ideas ſuggeſted, and an equal comprehenſion of their meaning with the learned ſcholar when he teads in loftier tone, "Εν αρχη ην ὁ λογος, και ὁ λογος ην προς τον θεον."—Surely there can be no difference. As to poliſhing the manners, a minute and technical knowledge of the learned languages hath an effect ſo notoriouſly to the contrary, that to call a man *a mere ſcholar*, is as much as to ſay, he has no manners at all.

BUT perhaps languages, like medals, acquire a value merely from their antiquity. If ſo, we ought to eſtabliſh ſchools for teaching the Chineſe tongue, which is certainly more ancient than either Latin or Greek, and, as ſome contend, than even the Hebrew itſelf. Look where we will for a diſtinguiſhing pre-eminence in theſe dead languages, ſuch as may juſtify the great expence of time and ſtudy neceſſary to acquire them, and candour muſt acknowledge that ſuch pre-eminence is not to be found.

BUT, ſays the third poſition, they ſerve as a key to all modern languages, and may be made a univerſal means of communication.

THE

THE only purpoſe of language is to convey ideas. If modern ſpeech does this, it is complete; if it does not, it is no language. What neceſſity then for a key? When a perſon ſays *a houſe*, or *a man*, is he not as well underſtood as if he ſhould add, that the one was called *domus*, and the other *homo*, by the ancient Romans? *Terms* are altogether arbitrary; and general conſent alone adapts them to the things they are deſigned to repreſent. And ſurely the general conſent of the moderns is as reſpectable and valid as the general conſent of the ancients. The truth is, there is no natural connection between *words* and *things*.

IF ſuch a connection was to conſtitute the perfection of a language, we muſt acknowledge, that the infant excels in propriety when he calls a ſheep *baa*, or a dog *bow-wow*.

BUT the Latin tongue, it is ſuppoſed, may ſerve as a univerſal means of communication between people of different nations. True; and ſo may any other language, if univerſally admitted and taught. The Latin tongue does not ſeem to be peculiarly and excluſively adapted to this purpoſe. For, notwithſtanding that it has been inculcated with ſo much aſſiduity by innumerable private tutors, and public ſchools, for ſo many hundred years; yet

yet the French, is at this day, a more univerſal language than the Latin. The experiment has been fairly made and urged to the extent; yet but few write in Latin, and fewer ſtill uſe it as a medium of converſation. As to Greek, it is no where in faſhion but in the ſchools; and none but the Jews make uſe of the Hebrew. To what purpoſe then are ſo many years ſpent in acquiring theſe obſolete languages? Why, truly, that one in ten thouſand may read ancient authors in the original, whilſt the unhappy ten thouſand muſt put up with faithful tranſlations.

An obſervation or two on the method of teaching theſe learned languages ſhall cloſe my ſpeech on this occaſion, which I perceive *ſome* think is already longer than it ſhould be.

It might ſeem ſtrange to aſſert, that few teachers of a language, according to the preſent mode of teaching, have any taſte for its beauties or knowledge of its powers. And yet this is manifeſtly a general truth; accuſtomed, as they are, to treat it by detail, and hackneyed in a critical conſideration of its component parts, they, almoſt unavoidably, loſe all ſenſe of its general effect, and become ſtrangers to that ſpirit of expreſſion, in which its principal elegance conſiſts.

For

For the ſame reaſon, the pupil never acquires a true taſte for the learned languages, till after he has been emancipated from the ſhackles of grammatical inveſtigation.

To teach a language by means of its grammar is beginning at the wrong end; for no language ever originated in a grammar: and what is worſe, all the energy and ſpirit of a language muſt neceſſarily evaporate in a grammatical conſtruction. Let us take an example from our own tongue. Suppoſe the following paſſage, from *Mr Pope*, to be put into the hands of a boy learning Engliſh.

" Heaven firſt taught letters for ſome wretch's aid,
" Some baniſh'd lover, or ſome captive Maid.
" They live, they ſpeak, they breathe what love inſpires
" Warm from the ſoul, and faithful to its fires:
" The virgin's wiſh, without her fears impart,
" Excuſe the bluſh, and pour out all the heart;
" Speed the ſoft intercourſe from ſoul to ſoul,
" And waft a ſigh from Indus to the pole."

Forthwith the learned grammarian, and his induſtrious pupil, fall to work on theſe beatiful lines. They mince them without mercy into verbs and adverbs, nouns and pronouns, ſubſtantives and adjectives, gerunds, participles, articles and particles; and God knows what. But in this general laceration,

What will become of the melody of the verſe, the delicacy of ſentiment, the elegance of expreſſion, with many nameleſs graces, not defined in the rules of grammar? Alas! all would vaniſh in the ſcholaſtic proceſs. As well might an anatomiſt diſſect a living body, with a view to diſcover the nature and ſeat of the ſoul that animates it, as a grammarian to inveſtigate the powers of a language, by reſolving it into its component parts.

But what would this author ſay, could he be a witneſs of ſuch a chemical diſtillation of his charming lines? or what would *Horace* do, if he could be preſent in a modern ſchool, and hear one of his elegant odes frittered into all the ſmall ware of the ſyntax? What would he do? He would break the pupil's head, and put the tutor to death.

But my zeal for truth is hurrying me beyond the bounds of diſcretion; the time may come when teachers will be convinced that languages are not to be ſquared by rule and compaſs, as lands are ſurveyed; and that it is not neceſſary to ſearch antiquity for the means of a reciprocal communication of ideas; and that languages moſt in uſe, are, in truth, the moſt uſeful to be known.

A REPLY TO THE FOREGOING SPEECH.

LADIES AND GENTLEMEN,

MY fellow ſtudent has entertained you with a diſſertation on the learned languages, and added ſome ſtrictures on the method of teaching them in modern ſchools. He has handled the ſubject in his own eccentric way; and has, I doubt not, obtained from this polite audience all the credit his ingenuity deſerves.

BUT ingenuity is not truth; and falſe reaſoning, however varniſhed with wit, is falſe reaſoning ſtill.

I ſhall not attempt to imitate my friend in the vivacity of his ſtile; but he muſt excuſe me, if I endeavour to expoſe the fallacy of his arguments, and reſcue ſo conſiderable a branch of modern education from the obloquy his capricious humour hath been pleaſed to throw upon it.

HAVING myſelf been duly fermented with grammatic froth; kneaded and moulded by the diſcipline of the ſchools; baked, and as it were, piping hot from the claſſical oven, and incruſted with ſcience, can I hear theſe ſlanders on the learned languages, which I have been ſo long accuſtomed to reſpect, and which I have acquired with ſo much painful ſtudy, and yet ſit ſilent by? No! the fire of old Rome, and the ſpirit of Athens, will not brook ſuch indignity.

THE firſt aſſertion, and indeed the ground on which he chiefly reſts, is, that all ancient authors of any repute have been tranſlated into the modern languages; from which he infers, that the originals are of no further uſe. He might with equal reaſon have ſaid, becauſe a ſhadow projects the true out lines of the ſubſtance, it is of equal value, and will anſwer the ſame purpoſes.

BUT there are numberleſs beauties to be diſcovered by the ſcholar in the original, and a force and propriety ariſing from what is called the *idiom* of a language which no tranſlation can convey: not only this, but the real meaning of the author, even in the original, is not always preciſely aſcertained by the learned themſelves—how then ſhall it be found in a tranſlation?

To

To prove this, we need only look at the voluminous notes upon Horace, or the various readings of Virgil, in which the moſt profound ſcholars have differed in opinion; and about which they have diſputed, confuted, and refuted each other time immemorial. What delightful obſcurity! What glorious uncertainty! Will a tranſlation furniſh any thing like this? Surely not. The terms of a known and living language are too well underſtood to admit of much altercation. All is a dead or languid preciſion. The ſyſtem, the the doctrines, the arguments of a modern author may be queſtioned and canvaſſed; but ſeldom his meaning, if he has any meaning at all.

The great and excellent uſe of the learned languages conſiſts, in my opinion, in the two following particulars.

First, They afford the moderns an inexhauſtible ſource of ingenious altercation and profound conjecture: and,

Secondly, By deriving the technical terms of every art and ſcience from theſe languages, a myſterious obſcurity is obtained which throws a veil over the face of truth, and ſcreens the rays of of knowledge from vulgar eyes.

As to the firſt; in the various readings of ancient authors, in notes, critical and explanatory, and in notes upon thoſe notes, what a field is opened for profound erudition! And when the modern commentator finds himſelf hard puſhed, it is but ſuppoſing an error to have crept into the text; it is but altering a letter or two, as occaſion ſhall require, and he can make the original ſupport his comment with all the ſeeming reaſon in the world. And however a brother critic may diſpute his conjectures, he is ſure that the author himſelf will never come back to decide the conteſt and put him to ſhame. An obſcene ſentence will furniſh a literary feaſt, and one half of a long Greek or Hebrew word has been ſufficient to occaſion a ſchiſm, and give the world a new religious ſect.

I know of no modern author ſo rich in this kind of learning as *Shakeſpeare*. He wrote on the verge of the old and modern Engliſh, and has ſo blended the idioms of the writers of his day, with thoſe of their grandfather's, as to occaſion much delightful uncertainty and ingenious commentating. This, together with the incorrect manner in which his works have been handed to us, have afforded a glorious opportunity for gueſs-work: and *Pope*, *Warburton*, *Theobald*, *Johnſon*, and

and many others have exerciſed their talents accordingly.

But I haſten to the ſecond advantage I mentioned as peculiar to the dead languages; to wit, that by deriving terms from them into the arts and ſciences, a myſterious obſcurity is obtained, which throws a veil over the face of truth, and ſcreens the rays of knowledge from vulgar eyes.

When the barbarous nations of the north overran Europe, they obliterated almoſt every trace of ſcience: a few monks only were in poſſeſſion of the ſeeds of learning, contained in the remaining works of ancient authors. When the day of knowledge again began to dawn, theſe manuſcripts were held in great repute; and when printing was invented, copies of them were exceedingly multiplied. As theſe were then the ſources of ſcience, no man was eſteemed learned, who had not ſtudied the languages in which they were written. Such was their uſe at that time: very different, but not leſs important, is their uſe at this day: by means of repeated tranſlations, the treaſures of the ancients have been laid open to public view. Science, diveſted of myſtery, would loſe its value, and men of learning forfeit that reſpect which the vulgar owe to profound erudition, were it not that

the philoſopher, the ſcholar, the man of ſcience in every department, hath taken care to borrow a profuſion of technical terms from the learned languages, which throws a mantle of myſtery over his profeſſion, and covers the ſecrets of his art from the admiring multitude: ſo that modern learning conſiſts, not ſo much in the ſtudy of *things*, as in the knowledge of *terms*. The author of *Hudibras* very juſtly obſerves, that

> "All a rhetorician's rules
> "Teach nothing but to name his tools."

And ſo it is, for the moſt part, in every ſcience —and ſo it ought to be—for if it were otherwiſe; if the terms uſed by men of learning were given in the vulgar tongue, every body would underſtand them, and ſcience ſoon become contemptible. For inſtance; a grave and learned phyſician thus informs his patient: "Sir, your diſorder is an *an-*"*thrax*, and I ſhall preſcribe an emollient *cata-*"*plaſm.*" The poor man is filled with fear, wonder, and reſpect: but had he been told in plain Engliſh—"You have got a boil, and muſt apply "a poultice of bread and milk;" he would deſpiſe both the doctor and the diſeaſe.

It is the Greek and Latin languages that furniſh

niſh theſe high ſounding words, ſo ſingular to the ear, when the ſenſe is concealed.

SOUNDS have a delightful effect upon the human mind; eſpecially articulated ſounds: and the effect is ſtill more certain, when they have either no meaning at all, or the meaning is not underſtood.

AN ignorant woman, weeping aloud under the influence of a powerful preacher, was aſked the cauſe of her lamentation: Oh, ſir! ſaid ſhe, don't you hear thoſe charming words, *Meſopotamia*, *Pamphylia*, and *Phrygia*? And I knew a lady during the late war, who did not poſſeſs one political principle, or had any preciſe idea of the real cauſe of conteſt between Great-Britain and America, and yet was a profeſſed and confirmed *tory*: merely from the faſcination of ſounds. The *imperial crown*, the *royal robes*, the *high court of parliament*, the *lord chancellor of England*, and ſo on, were words of irreſiſtible influence. Whilſt captain *A*, the taylor; colonel *B*, the tavern-keeper; and even *general Waſhington*, the farmer, only created contempt. But I am perſuaded, if ſome Indian chief, with a long Cherokee or Mohawk name, had commanded

manded our armies, ſhe would have thought much more reſpectably of the American cauſe.

THIS being truth, and a truth founded in nature, will any one pretend to ſay, that the Greek and Latin languages are of no uſe? What! ſhall we call things by downright vulgar Engliſh names? Shall not the phyſician have his *paregorics* and *antiſpaſmodics*; his *lenitives* and *ſedatives*; his *antiphlogiſtics*, *cathartics*, and *diuretics*? Shall not the lawyer have his *fieri facias*, his *ſcire facias*, and *certiorares*? Or the divine his *latitudinarians*, *millenarians*, *ſublapſarians*, and *ſupralapſarians*? Shall the chymiſt give up his hard words, and the botaniſt his technical terms, in the knowledge of which his whole ſcience conſiſts? Deplorable will be the ſtate of erudition when this ſhall be the caſe. Knowledge, indeed, might encreaſe and become more univerſally diffuſed; but *learning* would be no more. We might then ſay, ſuch a man is a man of *genius*, of *wiſdom*, of *underſtanding*; but where ſhould we find the man of *profound erudition*: one who would ſpurn at the ſimplicity of nature's works, and plunge in ſyſtem, deeper than common ſenſe could even fathom?

BUT thanks to our univerſities, colleges, academies,

demies, and ſchools; or rather thanks to the learned languages, which they ſo laboriouſly inculcate; ſuch an æra, it may be preſumed, is yet far diſtant.

☞ THE following lines were written for a young gentleman, who was to take his degrees at a public commencement; but the profeſſors would not permit him to deliver them.

I MAKE a ſpeech before ſo many ladies!
Not I indeed—my genius but a jade is:
I've try'd her often, and I know too well,
In public ſpouting I ſhall ne'er excell.
My fears and baſhfulneſs would ſo prevail,
If I attempt it, I ſhall ſurely fail:
Of my fine ſpeech, forget at leaſt one half,
Stand quite confus'd, and raiſe a gen'ral laugh.
—Go you of flippant tongues, and brazen faces,
And ſhew the ladies how you've learn'd the graces,
Play well your parts, and ſuit them to the time,
—Scholaſtic bows, and nonſenſe moſt ſublime.
For me—I've no ſuch talents to diſplay,
But wit enough to keep myſelf away,
And not expoſe deficiencies to-day.

THUS I addreſs'd my friend and fellow-ſtudent,
And then ſat down, determin'd to be prudent.

WELL, ladies, you have heard each learned ſpeech;
Good ſenſe, no doubt—but ſenſe above your reach;
For inſtance—firſt, a Latin declamation—
Are you not wiſer made by that oration?

—"Oh

—" Oh yes!—*doctrina univerſitatis;*
High ſounding words, all charming, and all *gratis.*
With ſenſe and meaning what have we to do?
The words were fine, and well-deliver'd too:
Merit to-day, we by amuſement meaſure:
We came, not for inſtruction, but for pleaſure."
'Tis true, ſounds more than ſenſe enchant the ear;
There are but few that *think*, but all can *hear.*

A ſet of moral ſpeeches follow'd next,
With bows and ſcrapes for prologues to each text.
Engliſh, 'tis true—the things were well enough,
But how can ladies like ſuch ſerious ſtuff?

PRAY did you mark the learned diſſertation,
To prove that all the wonders of creation
Are only viſions of imagination?
That what we ſee, and feel, and *ſubſtance* call,
Is nature's ſlight of hand—deception all.
No matter whether *things* exiſt or no,
'Tis quite ſufficient if we *think* they do.
Alas, for pity! that yon beauteous maid
Should only be the ſhadow of a ſhade:
Her glowing cheek; her lips of deeper dye,
Her panting boſom, and her ſparkling eye
Are all deluſions; ſo we have been taught,
Exiſting only in her lover's thought.

WHY ſhould that phantom of an amorous ſwain,
Sigh to the fair imaginary pain?

Since

Since all his fancy'd joys would only prove,
Ideal raptures of ideal love.
Oh, rare philoſophy! Oh! ſkill divine!
Pray, ladies, is not this extremely fine?
To ſuch high learning none can make pretence,
But thoſe who ſcorn the bounds of common ſenſe.
Stretch wide the wings of ſeeming demonſtration,
And ſoar in regions of their own creation.

In truth, your patience has been tried, but ſay;
What ſhall we call th' amuſement of the day?
Is it a comedy? a farce? Oh, no!
For the whole world we muſt not call it ſo.
'Tis a *commencement*; that's the proper name,
Or general goal delivery; much the ſame.

Now you muſt know I've had an odd conceit
About this tedious ſcientific treat;
I aſk their pardons, but in my opinion,
It ſeems much like the peeling of an onion.
Skin after ſkin, and knowledge after knowledge,
All ſmelling rank of learning and the college;
If you peel on, in hopes a core to find,
Alas! there's little more than ſkin and rind.

But there's yet more to come; a matter ſerious;
A ceremony, ſolemn, and myſterious;
Degrees will be confer'd—the high reward
Of many a toilſome taſk, and ſtudy hard;
Honours to gratify ambitious hearts,
And dub each ſtudent *bachelor of Arts.*

Our

You'll ſee profeſſors ſit with due decorum;
The lads all ſtanding in a row before 'em;
Our provoſt then, will ſpeak to each in Latin;
You'll be quite charmed, 'twill come ſo very pat in,
" *Auctoritate qua fuit conſtituta*—
You've been good boys; of that there's no diſpute—a
In cujus rei; here it is my lad-o,
Hoc little ſcroll of parchment *tibi trado.*"

THIS done, a ſpeech concludes; a doleful ditty!
Call'd *validictory*, to move your pity.
You'll ſee the orator, with ſtudied grace,
Screw up to ſeeming grief his rueful face.
—" Adieu! ye dear companions of my youth,
With whom I trod the flow'ry paths of truth,
One parting tear!"—and hear a tear ſhould come;
Oh! ſad! I've left my handkerchief at home.
No matter; ſuch will be the mournful ſtile,
Weep if you pleaſe, for my part I ſhall ſmile.

BUT ſtop! methinks I ſee his reverence
At my unlicenc'd prattle takes offence;
Oh, ladies! did you know, how by his frown
A modeſt youth like me is taken down,
You would not wonder, if, to ſhun a fray,
Reſpect ſhould take me ſuddenly away:
I go; but mark the ſequel of our play.

* ON THE ESTABLISHMENT OF THE

NEW CONSTITUTION

FOR THE UNITED STATES OF AMERICA.

LADIES AND GENTLEMEN,

YOU have lately been entertained with an exhibition, which, for novelty, ſplendor, and decorum juſtly merited univerſal admiration and applauſe. If, beſides the magnificence of the thing itſelf, we take into conſideration the important occaſion that induced it, it muſt be acknowledged to have been an object moſt intereſting and truly ſublime.

YOU will readily ſuppoſe, that I refer to the *grand federal proceſſion*, performed in celebration of that memorable day which gave to our country *freedom* and *independence*; and alſo of the late happy

* This ſpeech was was not delivered

happy eſtabliſhment of a liberal and efficient government, on which the future dignity and proſperity of America is to be founded.

To give ſtability, energy, and reſpectability to government—to concenter the ſtrength of a nation for national purpoſes; and at the ſame time leave to the people at large a full ſecurity in, and enjoyment of, eſſential rights, is a problem in politics which has employed the pens of the moſt enlightened men in every civilized age and country; may we not hope that it was reſerved for the genius of America to ſolve this difficult problem; and ſhew to the world a ſyſtem of government poſſeſſing all the requiſites which theory demands, and producing all the effects which can reaſonably be expected from experiment?

The circumſtances under which our federal conſtitution hath been framed and eſtabliſhed, are ſo new and unprecedented, that we may hope for new and unprecedented good conſequences in its operation.

The firſt outlines of moſt of the political ſyſtems of Europe were originally deſignated by the ſword, not by the pen; were the fruits of conqueſt, or the offſprings of rude neceſſity, not the production of deliberate choice, the conſequences

are

are accordingly manifeſt. In ſome inſtances, an uneaſy and reſtleſs ſubmiſſion under a conſtant ſenſe of mutilated rights; in others, a total proſtration of the majeſty of the people, and a degradation diſhonourable to human nature.

But *here*, the caſe hath been far otherwiſe. No ſucceſsful hero hath, by chance of war, obtained a power to preſcribe a mode of government to the people; but the people have by their valour obtained the right and the opportunity of framing a government for themſelves: and this, not a barbarous and uninformed multitude; but a people highly civilized, who know what government is, and what it ought to be; and who had before their eyes the experience of ancient times, and the preſent examples of the world.

Thus ſituated, and thus inſtructed, they ſelected, by a free choice, a competent number of tried patriots and able ſtateſmen, to frame for them a ſyſtem of general government. In this venerable body was concentered the wiſdom and integrity of a nation: not *virtually* only, but in *truth* and in *fact*, if we conſider individually the illuſtrious characters who compoſed the late general convention.

This

This honourable band of patriots, after the moſt mature deliberation, and after balancing all conſiderations, local and general, propoſed a plan of national government to the attention of the people at large. This plan, by frequent publications, and numerous diſplays of its component parts, was brought, in effect, to the very door of every perſon intereſted in it. After which, by a ſecond free election, perſons were appointed in each of the ſtates, to reconſider, and impowered to adopt or reject it, in the name, and on the behalf of the ſtates reſpectively. Under all theſe cautions, deliberations and ſcrutinies, the preſent government of the United States of America hath been ratified and confirmed by ten ſtates, and thereby gained a legal eſtabliſhment according to the terms propoſed.

It would be preſumption in me to attempt to develope the properties, and probable effects, of a ſyſtem which is the reſult of ſo much ripened judgement and combined wiſdom; yet permit me to point out one ſtriking feature in the object of our preſent admiration, which is, that as our government originated from, and has for its foundation, the people at large; ſo, in the periodical renovations of all its component parts, recurrence is conſtantly had to the people at large;

and it contains within itſelf a conſtitutional right of amendment, when ever experience and concurring opinions, ſhall deem amendment neceſſary; circumſtances ſufficient in themſelves to ſilence all objections. For the people have not given up to their rulers all power, with only a ſcanty reſervation of enumerated privileges for themſelves; but they have delegated enumerated powers, reſerving all their eſſential rights.

WHAT glory to our country, what happineſs to the people, may not be expected under a government ſo conſtituted! Already hath the voice of freedom invited many thouſands of emigrants from nations beyond the ſeas: arts and manufactures begin to raiſe their heads; and agriculture hath already begun to ſmile in the weſtern wilderneſs. Theſe are the effects of freedom only; but how will theſe effects be encreaſed when it ſhall be known, that *that* freedom is ſecured and ſubſtantiated by a government whoſe eſſence is *the rights of the people?*

" Science ſhall flouriſh, genius ſtretch her wing;
" In native ſtrains Columbian muſes ſing;
" Wealth crown the arts, and juſtice poiſe her ſcales,
" Commerce her pondrous anchor weigh,
" Wide ſpread her ſails,
" And in far diſtant ſeas her flag diſplay."

If we conſider the vaſt extent of our country, its variety of climate, its hidden treaſures, and innumerable reſources, and to crown all, its now eſtabliſhed government, there ſeems to be no ingredient wanting to render us, in time, a great and happy nation. Without *virtue*, however, all the reſt will be vain and fruitleſs. An abandoned and profligate people can never be happy: but, as it is manifeſt, that in other countries, the nature of the government, and the manners of the court, have a conſiderable influence on the morals of the people, may we not hope that our excellent conſtitution will afford a ſoil, on which the moral and chriſtian virtues will grow, and flouriſh, and bring forth fruit in abundance?

That this conſtitution is the genuine choice of the people themſelves, and not a government violently or fraudulently impoſed upon them, has been evinced by general and unequivocal demonſtrations of joy on its eſtabliſhment; by proceſſions and feſtivity, in numberleſs cities, towns, and villages, throughout the United States; and by voluntary exertions of induſtry * and magnificence, which no compulſion could have produced. A

* All the machinery exhibited in this grand proceſſion was begun and completed between Monday morning and Thurſday evening.

new æra is born to America, and the mighty voice of the people hath fixed the date.

It cannot, I think, be thought improper that an event ſo great, ſo intereſting, and ſo glorious, ſhould be recognized in this annual ſolemnity of the univerſity of Pennſylvania:—barely to recognize it, is all my unexperienced abilities can pretend to; but it has been, and will be, the ſubject of comment and admiration for thoſe who are more adequate to the pleaſing taſk: and will, I hope, and doubt not, be the ſource of innumerable bleſſings to the preſent and ſucceeding generations, and the pride and glory of our riſing empire.

For

For the Pennſylvania Packet.

I HAVE peruſed with ſome attention the ſeveral addreſſes made to the venerable *Doctor Franklin*, by public bodies and private ſocieties on his arrival in this city. So far as they expreſs a ſenſe of gratitude and eſteem for his integrity and abilities as a public agent and a philoſopher, they have my hearty concurrence and approbation: but they alſo afford ſome literary amuſement, when conſidered merely as compoſitions, with a deſign of obſerving the various forms which the ſame ſubject matter may aſſume, in paſſing through the varied machinery of different pericraniums.

TALKING on this ſubject with Mr. B. the addreſs of the American Philoſophical Society engaged our attention, as diſtinguiſhed from all the others by a dearth of ſentiment, awkwardneſs of ſtile, and obſcurity of expreſſion. I am ſurpriſed, ſaid I—but it will be better to give it in the way of dialogue, to avoid a number of ſaid *I's* and ſaid *he's*.

A. I am ſurpriſed that our Philoſophical Society, from whom we might expect, on ſuch an occaſion, at leaſt eaſe and propriety, if not ſomething more, ſhould exhibit ſo barren, ſo ſtiff and coſtive a performance, as their addreſs ſeems to be: it muſt certainly have been ſeethed too long in the author's brain, and ſo become hard like an overboiled egg.

B. I perceive, ſir, you are not a member of the Philoſophical Society.

A. No ſir, I have not that honour.

B. So I thought by your mentioning *brains*. Why, ſir, we never make uſe of any in writing letters, or drawing addreſſes: we manage theſe things in quite a different way. How do you imagine our addreſs was produced?

A. Some member, I ſuppoſe, was appointed to draft the addreſs, which was afterwards read before the ſociety; and being corrected, was finally approved of, and ſo delivered.

B. When you ſhall become a philoſopher you will know better: no, ſir, we conduct all our buſineſs by ballot, as they chooſe magiſtrates—according

cording to the ſpirit of our excellent conſtitution.

A. No doubt—when new members, or officers of the inſtitution are to be elected; but how an addreſs can be compoſed by ballot, I confeſs, I cannot comprehend.

B. Well, I will inform you. You muſt know we have four boxes: in one are put a number of *ſubſtantives*, the beſt the dictionary affords; in the ſecond, an equal number of *adjectives;* in the third, a great number of *verbs*, with their *participles*, *gerunds*, &c. and in the fourth, a ſtill greater number of *pronouns*, *articles*, and *particles*, with all the ſmall ware of the ſyntax. The ſecretary ſhakes theſe boxes for a conſiderable time, and then places them ſide by ſide on a table, each bearing its proper label of diſtinction. This done, the members proceed to ballot for the compoſition, whatever it may be; each member taking out one ſubſtantive, one adjective, two verbs, and four particles from the boxes reſpectively; and ſo they proceed, repeating the operation, until they have drawn the number of words, of which, according to a previous determination, the compoſition is to conſiſt. Some ingenious member is then requeſted to take all the ballots or words ſo obtained, and

arrange

arrange them in the beſt order he can. In the preſent caſe, this taſk fell to *****; and you can ſee how he has worked up the materials which chance threw in his way.

A. If this is your method it will ſufficiently account for the ſhort broken ſentences, the harſhneſs of the periods, and general obſcurity which diſtinguiſh your addreſs.

B. What do you mean by *obſcurity?* I am ſure our addreſs, if not elegant, is at leaſt intelligible.

A. Pray, inform me then, what is meant by this paragraph? "The high conſideration and eſteem in "which we hold your character, ſo intimately com-"bine with our regard for the public welfare, that "we participate eminently in the general ſatisfaction "which your return to America produces:"—and of this—"We derive encouragement and extra-"ordinary felicity from an aſſemblage of recent "memorable events: and while we boaſt in a "moſt pleaſing equality, permanently aſcertain-"ed," &c. &c.

B. The meaning of your firſt quotation is, that our high conſideration for the doctor, combining and intimately mixing with our regard for the pub-

lic

lic welfare, occaſion a kind of chymical ſolution or effervescence in our minds, producing a *tertium quid*, which cauſes us to *participate eminently*; and ſo on—if you know any thing of chymiſtry, you would have underſtood it well enough.

A. Well! it appears to me ſomething very like nonſenſe: but I confeſs I am no philoſopher.

B. As to the other paſſage you mentioned—the truth is, we were a little unlucky—it would have been the moſt elegant paragraph in the whole compoſition but for an unfortunate accident. You muſt know, that whilſt ***** was arranging the ballots, a puff of wind blew away a number of excellent explanatory words, and carried them out of the window; the whole ſentence had like to have gone: a careful ſearch was made in the ſtreet, but no more could be recovered than what you ſee. It was, indeed, propoſed to ballot over again for as many words as had been loſt: but ſome members were of opinion, that this might prove a dangerous precedent, and ſo the paſſage was ſuffered to paſs as it now ſtands.

A. I obſerve further, that you mention "the "growth of *ſciences* and *arts*;" would it not have read better, "the growth of *arts* and *ſci-*

"*ences*;"

"*ences*," according to the uſual mode of expreſſion? which has this to juſtify it, that arts were known and practiſed before *ſciences* were inveſtigated; and beſides, the expreſſion is more muſical and pleaſing to the ear.

B. We had a long debate upon this ſubject; and the very reaſons you now give were urged in favour of the common way of placing thoſe words; but the learned compoſitor inſiſted, that as the *ſciences* were more obſtruſe, and more eminent in dignity than the *arts*, they ought to be mentioned firſt, eſpecially by a philoſophical ſociety.

A. This reminds me of what the town clerk ſays, in Shakeſpeare's *Much ado about nothing*.

"To. Cl. Write down that they hope they ſerve God: and be ſure to write God firſt; for God defend, but God ſhould go before ſuch villians."

B. It is in vain to attempt explanation to a mind ſo prejudiced as your's. I perceive you are determined to find fault, and ſo let us drop the ſubject.

A. Why, do you imagine I believe one word of your boxes and your ballots? You are either ridiculing

ridiculing, or endeavouring to excuſe, a performance, which would indeed diſgrace a ſchool boy.

When I compare this addreſs with the preſident's ſhort, but elegant, reply, I cannot but obſerve how ſtrongly the difference is marked between an author who ſits down to think what he ſhall write, and one who only ſits down to write what he thinks.

☞ BY an act of assembly passed in August or September, 1785, it was directed that at the general elections held in October, the poll should be closed precisely at 8 o'clock in the evening, under a pretence of preventing disorders; but, in fact, with a view to serve the purposes of a party * then in power. This occasioned the following publication. The law, however, took place at the then ensuing election; but the effect turned out quite adverse to the design of those who framed it, and the law was soon afterwards repealed.

TO THE FREEMEN OF PENNSYLVANIA.

FELLOW CITIZENS,

IN the 9th section of our constitution or frame of government it is written —"The members of "the house of representatives shall be chosen an- "nually by ballot, by the freemen of the common- "wealth, *on the second Tuesday in October for* "*ever.*" And in the last clause of the same section, is also written, that the general assembly—"shall "have no power to add to, alter, abolish, or *in-* "*fringe* any part of this constitution."

Now

* Called the constitutional party.

Now I ſay, and it is moſt manifeſt, that our late aſſembly have, not by implication, but directly and expreſsly, violated the conſtitution, and have abridged and infringed the eſſential right intended to be ſecured by the 9th ſection.

They have paſſed a law declaring, that if a free man, however fully entitled to vote, ſhall come on the ſecond Tueſday in October at 30 ſeconds after eight o'clock, and offer his ballot, it ſhall not be received; his right ſhall be forfeited; his vote ſhall be illegal, and of no effect—What! becauſe I am old and infirm—becauſe I have not ſtrength to puſh through a croud, and force a paſſage through contending parties—becauſe I am a peacable, modeſt man, and cannot kick *conſtitutionaliſts*, and elbow *republicans*, out of my way, muſt I be disfranchiſed? muſt I be told—"Sir, you are too late—your vote is good for nothing."—I appeal to the conſtitution—ſee, here it is! It ſays I may vote on the ſecond Tueſday in October—this is the ſecond Tueſday in October—I am qualified to vote, and here is my ticket—"You "are miſtaken, (ſay the judges and inſpectors) "this is not Tueſday—we are advanced 30 ſe-"conds upon Wedneſday morning." How can that be gentlemen? Is not a day at leaſt 12 hours long?—ſome ſay 24 hours—"Ay! it "uſed

" uſed to be ſo formerly ; but the act of aſſem-
" bly has altered that matter, and made the
" ſecond Tueſday in October but ſix hours long,
" viz. from 2* to 8 o'clock." But, pray gentlemen, here are 40, here are 50, here a hundred citizens want to give in their votes. We are come to exerciſe the right of freemen ; the right our conſtitution has given us, according to law—according to the 9th ſection of our frame of government ; and we think the aſſembly cannot deprive us of this right—" No matter : what ſignifies what you think ? Here is the law ; read it ; you muſt be diſfranchiſed for this year at leaſt—you have committed an unpardonable offence—you have forfeited your right—you have come 30 ſeconds after 8 o'clock—Go ! Go home ! eat hearty, and become ſtout and ſtrong—learn to box, to puſh, to kick, to ſwear, to wrangle and ſcramble, and next year, perhaps, you may ſtand ſome chance, but you muſt not complain now —the law is equitable—it is as good for *conſtitutionaliſt* gooſe, as for *republican* gander—either party may have the benefit of it ; but the ſtrongeſt will prevail." But, gentlemen, for God's ſake ! I am neither a gooſe nor a gander ; I only want to vote. " Away ! Away ! we will hear no more

* The election ſeldom opened before two.

more; the act of aſſembly ſhuts the door in your face."

But, ſeriouſly, I look upon this abridgement of the time of voting as a dangerous innovation and direct violation of the conſtitution. It is calculated to ſerve party purpoſes, and to ſecure the preſent reigning influence in the ſeats of power.

Let me ſuppoſe a caſe, not impoſſible or extravagant—may I not ſay, not improbable—Suppoſe a ſet of judges, or inſpectors, or a majority of either, to be ſtrong in the intereſts of a particular party—Suppoſe a number of voters of the ſame party to be collected together, to go early to the place of election, and take poſſeſſion of all the avenues—will it not be in the power of theſe judges and inſpectors to create what delays they pleaſe? to inſtitute ſcrupulous and tedious enquiries? to make many miſtakes, and to be very nice and accurate in rectifying theſe miſtakes? in ſhort, by a thouſand artifices, not eaſily detected, ſo to ſpend the time allotted, that others may have little or no chance left? Let the proceedings of next Tueſday be well watched: for myſelf, I am no party man; but I have impartially conſidered the conduct of thoſe in power, and have found it ſuch as ought to alarm

alarm the cool and diſpaſſionate freemen of the commonwealth.

HAVE they not made the conſtitution a ſtalking horſe to cover their ſiniſter deſigns? Have they not moulded, and expounded, and twiſted it every way (as lord Peter did his father's will) for the advancement of their ambitious views? Have they not reverſed and aboliſhed charters without legal cauſe? Have they not paſſed *ex poſt facto* and partial laws, either to ſerve thoſe they did, or to puniſh thoſe they did not like? And have they not by their late law diſfranchiſed many hundred citizens of their right to vote at the general election? They certainly have—for I am confident, that let the inſpectors, clerks, &c. be ever ſo induſtrious and impartial, it is impoſſible that a conteſted election can be fairly completed within the time preſcribed, viz. from two to eight o'clock; and that, if an account ſhould be taken throughout the ſtate, of thoſe who will be *neceſſarily* excluded from voting by this law, they will amount to many hundreds. Heretofore, elections have been known to continue two or three days, and the cloſing of the poll was never attempted till all had a full and fair opportunity. But it ſeems to be a general ſcramble now—firſt come

firſt

firſt ſerved—and wo to your eight o'clock gentry.

The charter and eſtates of the college were forcibly wreſted from the rightful poſſeſſors; becauſe, as it was ſaid, the truſtees had many years ago paſſed a rule which ſeemed to narrow the foundation of that inſtitution: and yet the ſame men, who were then ſuch rigorous obſervers of original inſtitutions, can now abridge the time allowed by our frame of government for voting at general elections, and arbitrarily cut away at leaſt one half of that time—and this ſhall be no offence at all—Lord Peter will expound the conſtitution, and make all right.

If my fellow-citizens ſee this matter in the light I do, they will bring this law to the teſt, by making the following experiment:—let three or four reſpectable citizens (having an indiſputable right to vote) in each or any of the counties, reſerve their tickets till ſome ſhort time after eight o'clock, and then offer them to the proper officers in the preſence of witneſſes. If their votes ſhould be refuſed, as they probably will, let a ſuit be inſtituted, and ſo bring the queſtion to a legal iſſue: I am perſuaded there is no court but will adjudge the act to be illegal and of no force, as to this clauſe,

becauſe the conſtitution is paramount to any act of aſſembly; and it expreſsly declares, that the freemen of the ſtate may vote on the ſecond Tueſday in October for ever.

If the aſſembly have a right to limit the time of voting to eight o'clock, they have the ſame right to fix it at ſeven, or ſix, or three: and ſo ſome future aſſembly may take from us the right of voting altogether, by making the period ſo ſhort, that, by the time the clerks have ruled their books and mended their pens, the golden moments may elapſe, and the minutes of grace paſs away.

A curious queſtion in law.—Does the act mean *true* or *apparent* time? For the ſun will on that day be 12 minutes too faſt: be this as it may, it will be very proper that the ſtate-houſe clock ſhould be cleaned, and put under good regulation, previous to the election, and that it ſhould be ſet with great accuracy on the morning of the day (if any morning can be allowed to a day of ſix hours) by ſome ſworn artiſt, and in the preſence of the judges. But I don't know what they will do in the country, where there are no public clocks: the watches of the judges may happen to go a little too faſt, or too ſlow, according to their judgment of the run of votes. For, let me obſerve, that ten or a dozen addi-

additional votes may be of the greateſt importance in a conteſted election, and change the political complexion of the ſtate.*

A. B.

Oct. 5, 1785.

* The effect of this law (as was before obſerved) turned out contrary to the expectation of the conſtitutional party who framed it. At the enſuing election, it was manifeſt when eight o'clock drew near, that the run of votes had been in favour of the republican ticket: ſoon afterwards a ſtrong body of the conſtitutionaliſts came up to vote, but the clock ſtruck, and it was inſiſted that the election ſhould be cloſed according to the law. The chief-juſtice (M'Kean) who was on the ground, was conſulted on the occaſion, and he gave his opinion, that the election might be kept open for another hour, *to allow for the variation of watches:* but no attention was paid to ſuch an abſurd opinion: the doors were cloſed with great ſhoutings, and the republican ticket was ſucceſsful.

A

WORD of ADVICE;

OR THE

PENNSYLVANIA ASSEMBLYMAN's

VADE-MECUM.

ALTHOUGH the conſtitution of Pennſylvania, amongſt other good things, enjoins that the people ſhould chooſe men *moſt noted for wiſdom*, to repreſent them in general aſſembly; yet as electors are not always ſo attentive to this injunction as they ſhould be, it may be preſumed that in ſo promiſcuous a body as our general aſſembly, compoſed of men collected from every part of the ſtate, there may be ſome, to whom a word or two of inſtruction may not be amiſs. To ſuch, if any ſuch there ſhould be in our preſent aſſembly, the following rules of legiſlative conduct are ſubmitted.

1ſt. You

1ſt. You are to conſider your election into the general aſſembly of the ſtate, as one of the moſt important events of your life; becauſe the powers with which the conſtitution hath inveſted you, and the duties of your ſtation, are of the moſt extenſive and ſerious conſequences: no leſs than to bear a part in the framing and eſtabliſhing of laws, which are to bind the citizens of this great commonwealth: and therefore,

2d. You are to conſider yourſelf not merely a member for the county which elected you, but a repreſentative of the ſtate at large; conſequently, ſhould the ſuppoſed particular intereſts of that county come in competition with the general intereſts of the ſtate, you ſhould not heſitate in giving it up: for the public good ſhould be the polar ſtar of your conduct. Members of aſſembly are too apt to think, that if by their vote or influence they can ſcreen the county in which they live from a ſhare of the public burthen, or procure for it ſome extraordinary privilege, they will merit great applauſe from their neighbours, whom they ſuppoſe their only conſtituents. But ſuch narrow principles diſhonour the ſeat of legiſlation. A commonwealth is one body politic: its diviſion into counties is artificial, and for convenience in the adminiſtration of juſtice, and other good purpoſes;

but the true intereſts of each, and of the whole, are inſeparable. Should members of aſſembly accuſtom themſelves to think otherwiſe, and boaſt of advantages gained for a particular county at the expence of the general good, it would be, as if the left hand ſhould boaſt, that it had cunningly contrived to make the right hand do the moſt work. If you ought not to conſider yourſelf as the repreſentative only of a particular county; much leſs are you to ſuppoſe that it is your duty to ſupport, at all events, the intereſts and influence of a deſignated party. Such a conduct would be a direct violation of your oath of office.

3d. The people have veſted you *perſonally* with the power of legiſlation, and you cannot delegate or aſſign that power to any other perſon or perſons whatever. Your conſtituents look for the exerciſe of *your* judgment, and for *your* vote founded thereon, and not for another's through you. Attend to arguments and opinions, within and without; make full uſe of every means that may inform your underſtanding: but when you come to give your vote, let that vote be purely and ſtrictly your own. It would be a wicked proſtitution of the truſt repoſed in you, ſhould you, by any compact with a ſelect number of your brethren, bind yourſelf to give your voice contrary to your judgment:

judgement: for inſtance, ſhould you hold private meetings with ſuch ſelect members, and engage with them to give your *aye* or *nay* in the general aſſembly, on a queſtion to be agitated, according to the determination of a majority of this private aſſembly,* this would be a very ſerious and dangerous offence—an offence for which you might be impeached and diſgraced.

4th. As the people expect to be governed by laws of your making, it is highly improper to apply to the judges of the ſupreme court to frame bills for you, or to reviſe bills already framed; except in caſes of mere technical knowledge. Judges ſhould have nothing to do with the making of laws, which they are afterwards to explain and execute. It is a determined maxim in politics, that the legiſlative and executive powers of government ſhould be kept carefully ſeparate and diſtinct. How very improper would it be, ſhould a judge, in explaining a diſputed point of law, have it in his power to ſay —I know the intention of the legiſlature to have been thus, or thus, *for I myſelf framed and drew this law.* It is always dangerous to ſuffer the judges to tamper with the laws of the land, in any ſtage of their proceſs, either in the making or publiſhing them. Much better would it be for the people

* A known practice of the conſtitutional party.

people to receive the laws pure from the ſource of legiſlation, even though a few technical errors ſhould ſometimes occur, than to ſubmit them to be *reviſed, corrected,* and *amended* by the learning of the bench, eſpecially in a conſtitution which admits but of one branch of legiſlature. Should an occaſion happen wherein the houſe would wiſh to be informed on a mere point of law, the proper way is, to ſtate queries in writing, and ſend them to the judges for their anſwer: but on no account ſhould a bill of the houſe be ſubmitted to their correction. The judges already have a very formidable influence in the execution of the laws: if, by cuſtom, they ſhould acquire a like influence over the making of them, the people would be expoſed to all the dangers of an abſolute government, without even the ſmall ſecurity of reſponſibility. If the ſame officious hands are to cook the broth, and make us ſup it, we ſhall ſoon have reaſon to complain of ſcalded mouths and ſick ſtomachs.

5th. As it is of the greateſt importance that the acts of the legiſlature, and the minutes of the houſe, ſhould be preſerved pure and unadulterated, it may not be amiſs to keep a watchful eye over the clerk of the houſe, as it is much in his power to play tricks with the laws, minutes, and papers of the aſſembly, ſhould he be ſo diſpo-

ſed

ſed. To prevent this, it is your duty to ſee that the laws, as ſoon as enacted, are faithfully and immediately lodged in the roll's-office, and upon no no account ſuffer the clerk to take them to his own lodgings. After the ſeals have been affixed to a law, the houſe, or a committee of the houſe, ſhould never loſe ſight of it, till it is ſafely lodged with the recorder.

You ſhould alſo take care that the votes of the houſe are, in due time, entered fairly on the book of minutes, and compared with the rough drafts; and that the printed copies be compared with, and corrected by, the fair entries; *and not the fair entries made from the printed Minutes.*

You ſhould frequently inſpect the files of the houſe to ſee that the papers are properly arranged and endorſed; for this will enable you to detect the clerk in caſe he ſhould attempt to withdraw, ſecret, or deſtroy any of the papers entruſted to his care. And it would not be a miſs if you ſhould now and then take up a return, petition, or other paper, which the clerk hath been reading to the houſe, to ſee whether he has given it a faithful reading or not. Theſe attentions are proper, can give no juſt cauſe of offence, and will keep the clerk ſtrictly in his duty.

6th. There are ſome members in every aſſembly who are not qualified to make a figure on the floor. Theſe may nevertheleſs well anſwer the purpoſe of their appointment, and diſcharge the truſt repoſed in them, by a conſcientious exerciſe of judgement, firmneſs of mind, and integrity in voting. There are others who can add to theſe qualities the talents of eloquence, reaſoning, and perſuaſion. Should you be of the former deſcription, give all poſſible attention to the arguments urged for and againſt the point in queſtion; but in order to guard againſt the impoſitions of ſophiſtry, the fallacy of which you may not have ingenuity enough to detect, together with the arguments, take into conſideration the character of the ſpeaker. If you have obſerved and know him to be a man of an open, candid, and independent ſpirit, you may with the more ſafety yield to the impreſſions his eloquence ſhall make; but if you have reaſon to believe that he is ſubtle, ſelfiſh, and crafty, or that he is either the tool or the ring leader of a party, hear him with jealouſy, and riſk no more than what ſtrong conviction will juſtify. At all events, let no reaſoning, however ingenious, induce you to give your vote contrary what you *feel* and believe to be for the promotion of general juſtice and the public good. There is in

every

every good mind an internal ſenſe of right and wrong, which you may ſafely depend upon, even though your underſtanding ſhould not be highly illuminated: and it will be better to run the riſk of an error of judgement than not to vote according to this internal ſenſe. There cannot be a more contemptible ſituation, than for a man ſo highly intruſted to reſign himſelf implicitly to the government of another in the very buſineſs for which he was ſo intruſted. Since the public voice has placed confidence in you, you ought to have confidence in yourſelf.

SHOULD you be one of thoſe who are accuſtomed to public ſpeaking, and qualified to take a part in the debates of the houſe, guard againſt a habit of oppoſition, which may inſenſibly grow upon you. In queſtions of trivial importance be content with voting according to your judgement, and reſerve your powers of elocution for great occaſions. Let not the vigour of debate ever puſh you beyond the bounds of civility, or induce you to infringe the rules of the houſe; and never ſuffer your temper to be unhinged—If you do, your opponent will gain an advantage over you, which perhaps, neither the ſubject of debate, nor his arguments thereupon, would have given him.

LASTLY—Never ſuffer a deſire of diſplaying your abilities, nor a thirſt for victory in debate, to lead you aſtray from what ought to be the ultimate object of the official conduct of every member of the legiſlature—*The promotion of general juſtice and of the public good.*

A CITIZEN.

November, 5, 1785.

OBSER-

OBSERVATIONS ON THE BILL ENTITLED "AN ACT FOR AMENDING THE PENAL LAWS OF THIS STATE."

THE bill publiſhed for conſideration, entitled "an act for amending the penal laws of this "ſtate," will probably be taken up before long, in order to be paſſed into a law.

So great a revolution in the municipal law of our country, ought not to take place without due conſideration on the part of the legiſlature, and ſuch attention to the ſubject by the citizens at large, as the importance of it ſeems to require.

I have daily looked for ſome ſtrictures on this bill in our public papers, and am ſurpriſed to find that it hath hitherto paſſed unnoticed. Whenever a public act is likely to interfere with the intereſts or views of any ſet of men, or party, all hands go to work, and we are diſtracted with arguments *pro* and *con;* but meaſures which have not

not that immediate tendency, however replete with remote miſchief, are too frequently neglected, although a little timely exertion might prevent evils which, when they arrive, cannot eaſily be removed.

A report has been lately made to the houſe, recommending an abridgement of the fees and ſalaries of public officers. Immediately the whole fraternity is in an uproar—the craft—the craft is in danger! At the head of the malecontents, with ſolemn ſtep and ſtately ſtride, appears the profound and formidable *Juriſperitus*, ſounding forth his own praiſe, as with a brazen trumpet, and loudly deſcanting on his vaſt abilities and unparalleled ſervices. One might ſuppoſe, from his account, that if the gentlemen at preſent in office ſhould be affronted, and throw up their commiſſions, the whole commonwealth could not furniſh another ſet of equal wiſdom, integrity, and ſound whiggiſm.

The lamentable outcry of *Juriſperitus* has led me to conſider the bill under conſideration, only in one point of view, viz. the enormous power it will veſt in the judges of the ſupreme court, in addition to thoſe other powers which have been from

from time to time accumulating in their hands. Let us look at the liſt which *Juriſperitus* hath himſelf enumerated.

BESIDES the great power and influence neceſſarily attendant on the office of chief juſtice—"he "is, by vitue of that office, * judge in the high "court of errors and appeals; a judge of the "court of admiralty ſeſſions for the United States "of America; a judge of the court of admiralty "ſeſſions for this ſtate, and a truſtee of the uni-"univerſity. He is alſo to decide upon all claims "againſt eſtates forfeited to the commonwealth, "and the forfeiting perſons; and has power to "perpetuate teſtimony; take care of the perſons "and eſtates of ideots and lunaticks; and is to de-"termine all cauſes relating to alimony and di-"vorce." To this catalogue our preſent aſſembly have added an act to empower the juſtices of the ſupreme court to ſupply defects in the titles to lands, occaſioned by the loſs of deeds, &c. and the now propoſed bill for amending the penal laws, will give them a power to puniſh criminals according to their diſcretion, within the limits of fourteen years cruel ſervitude.

WHEN

* He ſhould have ſaid by virtue of ſpecial acts of aſſembly, or an ordinance of congreſs.

WHEN we conſider the ſum total of power, and of courſe of influence, thus inſenſibly accumulating in the hands of two or three individuals, it ſeems highly expedient that government ſhould not only avoid further delegations of ſpecial powers; but keep a watchful eye over the exerciſe of thoſe already delegated.

THERE is not, in our ſyſtem of juriſprudence, a more formidable body of operative power than that veſted in the judges of the ſupreme court. The executive council, and houſe of aſſembly, are compoſed of many individuals, and theſe liable to annual changes; but the judges are few in number, and permanent in office for ſeven years at leaſt, and hold their commiſſions, as *Juriſperitus* obſerves, in fact, during good behaviour. The exact time at which a judge's commiſſion expires, is not matter of public notoriety: when this happens, it may be renewed in ſo ſecret and ſpeedy a manner by his friends in council, that before thoſe who may have been injured by mal-adminiſtration can make complaint, or the people have an opportunity of expreſſing their diſguſt, if any there ſhould be, the judge is re-inſtated, and then no dog muſt bark. Exceſſive power has a natural tendency to debauch the beſt diſpoſition; but when it falls into the hands of a proud, capricious, and ambi-

tious man, its operation ſhould be watched with a jealous eye.

THE effect of the propoſed alteration in the penal laws, will be to inveſt the judges of the ſupreme court with a *diſcretionary* power to puniſh within certain limits. This is, in fact, veſting them with legiſlative authority within thoſe limits. It is a diſtinguiſhing mark of a free government, that the people ſhall know before hand, the penalty which the laws annex to every offence; and, therefore, ſuch a ſyſtem is called a government of of laws, and not of men. But within the ſcope of the preſent bill, no offender can tell what his puniſhment is to be, till after conviction. The *quantum*, at leaſt, is to be determined by the particular ſtate of mind the judge happens to be in at the time of paſſing ſentence. Vexations and diſappointments may ſend his honour to court in a very ill humour, and then wo to the culprits.

"THE knowledge of this part of juriſprudence "(ſays Blackſtone, vol. IV. p. 2.) which teaches "the nature, extent, and degrees of every crime, "and adjuſts to it its adequate and neceſſary pe"nalty, is of the utmoſt importance to every in"dividual in the ſtate. For, (as a very great

" maſter of the crown law * has obſerved upon a " ſimilar occaſion) no rank or elevation in life, " no uprightneſs of heart, no prudence or circum- " ſpection of conduct, ſhould tempt a man to con- " clude that he may not at ſome time or other be " deeply intereſted in theſe reſearches. The in- " firmities of the beſt amongſt us, the vices and un- " governable paſſions of others, the inſtability of " all human affairs, and the numberleſs unforeſeen " events which the compaſs of a day may bring " forth, will teach us, upon a moment's reflection, " that to know *with preciſion* what the laws of " our country have forbidden, and the deplorable " conſequences to which a wilful diſobedience " may expoſe us, is a matter of univerſal con- " cern"—" The criminal law (p. 3.) ſhould be " founded upon principles which are *permanent*, " *uniform*, and *univerſal*."

How ſeriouſly applicable theſe maxims and obſervations are in a government, which, from the nature of its conſtitution, muſt ever be expoſed to the virulence of contending parties, will be obvious to every one. Under ſuch a government, no judge ſhould be truſted with *diſcretionary* power in the adminiſtration of penal law. There is ſufficient reaſon to believe, that a ſcarlet robe is not

* Foſter.

not a certain ſecurity againſt the operation of party influence, petulence of temper, or an ambitious thirſt of power.

THERE is no reading the bill in queſtion, without obſerving, that the burthen of the ſong is, *the diſcretion of the court;* ſuch and ſuch crimes ſhall be puniſhed with a ſervitude not exceeding fourteen years, *at the diſcretion of the court;* ſuch others, not exceeding ſeven years, *at the diſcretion of the court;* and ſo on, in almoſt every ſection. And, finally, the 15th ſection gives to theſe *diſcreet* judges a power to determine on the reformation of the puniſhed party, and to grant or refuſe him, at their diſcretion, a certificate, announcing to all men, that he is actually ſo reformed. Which certificate is to operate as a legal "diſcharge "from all claims and demands of the party injured, "and alſo as a pardon of the guilt and infamy of "the offence, and give the party a new capacity "and credit." The thing would have been complete if the act had given theſe demi-gods a power of granting religious abſolution, as well as temporal reſtoration.

THERE are ſome crimes of ſuch infamy, that the ſtain is not wiped off by the party's ſuffering the penalty of the law. One who has ſtood in

the pillory for perjury, cannot afterwards ſerve on a jury. But the effect of a pardon is to reſtore him, in the eye of the law, to the ſame credit he had before the accuſation (except only in caſes where the blood is attainted). The power of pardon is lodged, in England, (other than in caſes of impeachment) excluſively in the crown: and, in Pennnſylvania in the executive council. But, by this bill, the power of pardon, after puniſhment, is veſted in the ſame men who awarded the penalty—a power incompatible with the genius of the common law, or the common rules of political prudence.

THE common law of England abhors the truſting judges with a diſcretionary diſpenſation of puniſhments; moſt of the inſtances wherein they are ſo intruſted are by virtue of ſpecial acts of parliament, and ought to be conſidered as exceptions to the general rules of common law. This reliance on the diſcretion of judges cannot ſafely be extended to matters of ſo ſerious import, as the awarding a ſevere and diſgraceful ſervitude within the large limits of fourteen days to fourteen years; and afterwards granting a pardon, with all its legal operations, or with-holding it, according to the caprice of the judge, who, like our preſent chief juſtice, may be only *a man*, and not *a God*, notwithſtanding

withſtanding the inherent virtues of his commiſſion.

I am far from objecting to the general intent of this bill: I think, with the aſſembly, that the Britiſh criminal law, which hath hitherto been our model, is by much too ſanguinary, and has annexed puniſhments to crimes in very undue proportions—proportions not drawn from policy, reaſon, or equity. But this bill, if paſſed into a law, will make the matter worſe than before. I acknowledge, that under the ſyſtem propoſed by this bill, a diſcretionary power muſt be lodged ſomewhere, and think it can no where be lodged ſo ſafely as with the jury who find the fact. The proportion of puniſhment, equitably due according to the nature of the offence, is not a queſtion involved in the technical ſubtleties of the law; but ariſes from the particular circumſtances of the caſe, all things conſidered; and an honeſt, impartial, and conſcientious jury, are as competent to this purpoſe, as the moſt profound judge. They will neceſſarily have heard the ſtate of the whole matter, with the arguments for the proſecution, and in behalf of the priſoner; and being a temporary body, accidentally brought together, and impannelled for the occaſion, are more likely to do ſubſtantial juſtice, than a judge who is ſo hackneyed

in criminal proſecutions, as to conſider a citizen accuſed and not convicted, as a cauſe ſtifled, * or loſt to the commonwealth.

If juries were ſo entruſted, they would probably hold their office in higher eſtimation than they do now: they would ſpurn at the idea of their being † *legal machines*, ſubject to the management of the court: and feeling themſelves competent to the buſineſs, would execute their duty with dignity, propriety, and good conſcience.

As juries determine the *quantum* of damage in a civil action, there ſeems to be no reaſon why they ſhould not alſo determine the *quantum* of puniſhment in a criminal proceſs, within ſuch limits as the law ſhall preſcribe.

Why ſhould the legiſlature aſſign ſo large and dangerous a field of power to judges, becauſe of their ſuppoſed law knowledge, in a matter where law knowledge can be of no poſſible uſe? For, after the fact has been fairly found, the ſubtleties of law are at an end, at leaſt they have nothing to do with the intrinſic demerit of the offence.

I have

* Vide Vol. I. p. 202.—Ibid. p. 205.

I have been told, and I believe it is ſo, that one of the judges framed this bill; no wonder then that the chorus of the ſong ſhould be—*at the diſcretion of the court:* I wiſh they would get the court of admiralty to ſet theſe pleaſant words to muſic; it would delight their honours much, if they have any ears for muſic, but I am told they have none; they would, however, ſtrain hard to bear a bob in the burthen of ſo charming a ſong.

REASONABLE objections may perhaps be made to the veſting even a jury with ſuch enormous power. If ſo, I cannot ſee why the general intent of the bill may not be anſwered by annexing to the ſeveral crimes, as heretofore defined in law, periods of ſervitude, fixed and aſcertained according to enormities of their reſpective offences; and ſo make our penal laws leſs ſanguinary. If the portionment of puniſhment ſhould not in all inſtances be ſtrictly equitable, they will at leaſt be *certain* and *known;* and council may pardon or reprieve, in particular caſes, when circumſtances ſhall make ſuch an interference proper and juſt.

I ſincerely wiſh this ſubject may be taken up by ſome abler hand. It is time o be alarmed at the vaſt power gradually accum ating in the hands of

two

two or three individuals. When we ſee judges becoming profeſſed and buſy partymen: when we ſee them conſtantly interfering in the buſineſs of the legiſlature: influencing members of aſſembly: drawing reports for committees, and framing bills for the houſe: uſurping juriſdiction not given them by law: expounding acts of aſſembly with dictatorial authority at improper times, and in improper * places; and working every engine to promote their own power and influence—I ſay, when we ſee theſe things, we ſee *ſymptoms* of a growing tyranny, ſtrong as *Bunbury's ſymptoms of horſemanſhip*: we ſee that the diſcretion of ſuch men ought not to be ſo largely truſted. If this act ſhould take place, the form of our government will in effect be changed—It will no longer be *republican* it will be *deſpotic*, at leaſt within the field of criminal juriſprudence, which is a large and important field. For what is depotiſm? but a diſcretionary uſe of power, without being legally amenable for the juſt exerciſe of it. In this ſituation will our judges be by virtue of this act. For who ſhall call them to account? If they ſhould

*At the general election in October laſt the chief juſtice, expounding the law to the judges of the election, told them that although the law directed the buſineſs to be cloſed, and the doors to be ſhut, at eight o'clock, yet they might go on till nine, *to allow for the variation of watches.*

ſhould award one man four weeks, and another fourteen years puniſhment for the ſame offence—for a crime of the ſame enormity, under all circumſtances, will an action lie againſt them, or can they be impeached for the injuſtice? Surely not—The legiſlature having veſted them with *diſcretionary* powers, they will be the ſole judges of that diſcretion.

It is time to look about—Our aſſemblies have been too much diſpoſed to look upon the ſupreme court as a reſervoir for all power, which they knew not where elſe to lodge. Let them take care that this reſervoir does not overflow, and deluge them, with their rights and liberties.

I hope my fellow citizens will ſee the danger of the propoſed act for amending the penal laws of the ſtate: that theſe obſervations will induce ſome other hand to take up the ſubject; and that every one will join in checking the exorbitant power of the ſupreme court

JUS.

April. 1786.

For

For the Pennſylvania Packet.

I OBSERVE by the paper of this day, that Wedneſday next is appointed by our houſe of aſſembly for taking up the bill called *the penal law*, which has been publiſhed for conſideration, and is now ripe for the forms of legiſlation. This bill ſeems to be of very ſerious importance in the juriſprudence of our commonwealth. Innovations are always to be ſuſpected, and prudence dictates that novelties, under the guiſe of improvement, ſhould be ſtrictly ſcrutinized, leſt an oſtenſible benefit ſhould ſerve as an introduction to many overballancing evils. But I truſt that our repreſentatives will proceed with proper caution in a meaſure which will not only change the long eſtabliſhed ſyſtem of penal laws, but will, in effect, amount to a transfer of the great power of apportioning puniſhments to crimes from the ſovereignty of the ſtate, where it certainly ought to be, to two or three individuals, where it certainly ought not to be.

I heartily approve of the general purpoſe of this bill, in making penal laws leſs ſanguinary, by ſubſtituting periods of diſgraceful labour in the room of fatal executions and corporal puniſhments; but in as much as it leaves the apportionment of theſe periods to the diſcretion of the ſupreme court, it is a bill pregnant with dangerous conſequences, and eſtabliſhes a deſpotic form of government within the field of its operation. For, true deſpotiſm is nothing more than a power to puniſh according to will and pleaſure.

True it is, that our legiſlature ſtill reſerves the right of aſcertaining the crime; but if the degree of puniſhment is to be determined by the will of the court, it may not be long before ſome learned judge will enlarge on the inconvenience of the legiſlature's troubling itſelf with ſuch matters, and prepare a bill for inveſting himſelf, and his brethren, with the whole diſpenſation of criminal law.

In a government like ours, it is highly neceſſary to be watchful over the movements of thoſe in whom we confide—much more ſo than in governments leſs free; becauſe thoſe in whom we truſt have the all powerful ſanction of the people at large for whatever they do within the precincts

of

of legal power, and it is certainly within theſe limits to ruin us according to law.

OUR aſſembly have undoubtedly a right to enact this bill into a law—Let us indulge imagination in, at leaſt, poſſible conſequences ſhould it be enacted.

OUR judges have unavoidably an official influence over the petit jury in criminal trials. They alſo recommend to council for pardon, when they think fit, and the council not only never execute againſt their recommendation; but, as I am told, ſeldom pardon without it. And now, by this bill, they are to be empowered by law to apportion puniſhments to crimes according to their own diſcretion. By their means the ſeverities of law and the high prerogative of mercy will be veſted in the ſame individuals—In men ſubject to paſſions and prejudices, are unfit to be ſo highly truſted.

SUPPOSE a caſe—*A* and *B* have committed preciſely the ſame offence, viz. Burglary. *A* has reſpectable connections and friends; *B* has none. *A*'s friends are not only reſpectable, but they happen to be of the ſame party in the politicks of the ſtate with his honour: or they belong to

the ſame religious congregation. *B* is a foreigner; he has no friends or connections; or, if he has, they are of the adverſe party to the judge—may we not ſuppoſe the diſcretion of the court would exerciſe itſelf very differently with reſpect to theſe criminals, however equal their demerits? A few days may ſerve to expiate the crime of *A*; but *B* muſt labour fourteen years for not having better friends and more powerful influence in his favour. This may ſeem too ſtrong a caſe; but it is no more than what the law will juſtify. Any ſpecious reaſons for ſuch a diſcrimination will be ſufficient to excuſe the judges as men, for what they may do as officers, under the law.

If it did not appear from the face of this bill that it is a direct violation of our conſtitution, by making our government a government of men, and not of laws in criminal caſes; yet the quarter from which it originated ought to raiſe a virtuous jealouſy in the minds of the people. It is a dangerous ſymptom when we ſee men, already high in power, graſping ſtill at more, and ever deviſing ways and means to encreaſe their official influence.

To point out all the evils, and political ſoleciſms of the bill under conſideration, would require more time, and more law knowledge, than I can command;

command; but I am confident that ſuch an eſtabliſhment will be injurious to the ſecurity and juſtice intended by the common law, and ſubverſive of the ſpirit of our free conſtitution.

I hope our legiſlature will not haſtily part with ſo high a prerogative of ſovereign power, or ſubject the citizens of this ſtate, who may hereafter offend, to be puniſhed at the diſcretion of the judges.

I conclude with an extract to the purpoſe from 4 Black. ch. 29. pa. 377.

"It is, moreover, one of the glories of our "Engliſh law, that the nature, though not always "the quantity or degrees *, of puniſhment, is aſ- "certained for every offence; and that it is not "left in the breaſt of any judge, or even of a "jury, to alter the judgement which the law has "beforehand ordained for every ſubject alike, "without reſpect of perſons. For if judgments "were to be the private opinions of the judge, "men would then be ſlaves to their magiſtrates, and

* This reſpects pecuniary fines, which, as the author afterwards explains, cannot be fixed preciſely by law, but muſt vary according to the nature of the offence, the abilities of the offender, and other circumſtances.

" and would live in ſociety without exactly
" knowing the conditions and obligations which
" it lays them under. And beſides, as this pre-
" vents oppreſſion on the one hand; ſo, on the
" other it ſtifles all hopes of impunity or mitigation
" with which an offender might flatter himſelf, if,
" his puniſhment depended on the humour or
" diſcretion of the court. Whereas, where an
" eſtabliſhed penalty is annexed to crimes, the
" criminal may read their certain conſequence in
" that law which ought to be the unvaried rule,
" as it is the inflexible judge, of his actions."

X.

Auguſt, 28, 1786.

A SUIT

A SUIT IN THE HIGH COURT OF HONOUR.*

AT a court held on the 27th of April Anno Domini 1781. Preſent, the honourable the judges of the ſaid court, in their robes, and the officers in their reſpective places—*A. B.* clerk of the ſaid court, notified to their honours, that a libel had been filed by *F. H.* verſus *J. W.* Eſq. and humbly prayeth the leave of the court to exhibit the ſaid libel: and then, with the conſent of their honours, he proceeded to read the ſame with an

* THIS piece of humour was founded on the idea of eſtabliſhing a high court of honour (See vol. I. page, 151.), and accidentally occaſioned the following ſingular

ANECDOTE.

THE piece had been incloſed in a cover, addreſſed to *James Wilſon* Eſq. for whom it was deſigned, and ſent to his houſe. Mr Wilſon not being at home, his ſervant received the packet, and ſtuck it behind the parlour looking glaſs. Capt. ††††† who was frequently deranged in his mind, and at ſuch times full of notions of plots and conſpiracies, went into Mr Wilſon's parlour without knocking

an audible voice in manner and form following; that is to ſay.

Philadelphia. ſſ.

To the honourable *X. Y. Z.* judges of the high court of honour.

F. H. of the city of Philadelphia, gentleman, in all humble manner, complaining, ſheweth, and doth by this preſent libel, aver, declare, and ſay, that his worthy and eſteemed friend *J. W.* of the ſame city, eſquire, is a rogue, a raſcal, a villain, a ſcoundrel, a liar, a thief, a rabſcalion, a tatterdemallion, a ninkumpoop, and a ſkunk *: that he is a

 blaſphemer

knocking when none of the family happened to be there; and ſeeing the packet in the frame of the looking glaſs took it down and went off with it.

THERE was at this time a cauſe agitated in the ſupreme court of great popular attention, in which *Mr Wilſon*, and moſt of the gentlemen of the bar, were engaged.

THE next day I went to court, and happening to be ſeated near Mr. Wilſon, I aſked him if he had received my packet; he told me he did not get home till late in the evening; that the ſervant informed him there had been a letter for him, and that he had put it behind the glaſs; but that it had all at once diſappeared, and no body could give any account of it, although enquiry had been made through the whole family.

WHILST we were thus talking, a cry of, make way there! was heard in the court, when capt. †††††, having puſhed his way

* See vol. I. p. 155.

baſphemer of God, a reviler of man, a deiſt, an atheiſt, a Turk, a Jew, and an infidel: that he ought to be whipped, croped, pillored, baniſhed, hanged, drawn, and quartered: that he is a tory, a ſpeculator, a peculator, a prater, and a traitor: that he ought not to live upon the face of the earth amongſt ſo many good, honeſt, and well diſpoſed perſons as this city is known to contain. And your libellant doth further declare and ſay, that all theſe, the aforeſaid appellations, aſſeverations, and declarations againſt him, the ſaid *J. W.* are meant and intended, and ought to be taken *in the moſt opprobrious ſenſe of the words*: The truth of which he the ſaid *F. H.* libellant, as aforeſaid,

way through the crowd, appeared before the bar with papers in his hand. He interrupted the lawyer who was then ſpeaking, and informed the judges that he had papers in his hand which would immediately clear up and determine the cauſe before the court; and that he had alſo diſcovered a moſt horrible and dangerous plot, partly againſt the ſtate, and partly againſt the judge of admiralty: confeſſing that he had made this great diſcovery by breaking into and robbing that gentleman's houſe, pointing to Mr. Wilſon; declaring that ſo far as he was amenable for the robbery, he ſtood ready to ſubmit to the laws.

THE papers, which I immediately knew to be mine, were handed up to the bench, and the chief juſtice was preparing to read the contents aloud to the court; but I forced my way to him, and and whiſpered him, that it was only a piece of literary ſport be- Mr. Wilſon and me, and very unfit for the public ear on ſuch an occaſion. The papers were then delivered to Mr. Wilſon, and the *audience* aſſured that they did not concern the preſent cauſe.

ſaid, is ready to verify and make manifeſt to this honourable court: and thereupon he prays, that the ſaid *J. W.* eſq. may, by the definitive ſentence of this honourable court, be condemned to have his name entered in the book of record, called *raſcal's record*, there to be and remain with infamy *in ſecula ſeculorum*; ſo prays.

F. H.

WHEREUPON it is ruled and ordered, that a certified copy of the foregoing declaration and libel be ſerved on the ſaid *J. W.* eſq. in order that he may file his defence and anſwer thereto.

AFTERWARDS, to wit, on the 23d day of April, in the year aforeſaid, the ſaid *J. W.* eſqr. cometh and defendeth himſelf againſt all and every the manifold ſlanders, defamations, appellations, and untruths in the ſaid libel contained, and doth call upon, challenge, and demand of the ſaid *F. H.* that he forthwith prove and eſtabliſh, by good and ſufficient teſtimony before this honourable court, ſome one or more of his ſlanders aforeſaid; and the ſaid *J. W*, reſpondent as aforeſaid, doth further pray and demand, that if the ſaid *F. H.* ſhall fail in proof thereof, that the name of the ſaid *J. W.* may be eraſed and expunged from all and every

part of the ſaid libel, and of the record thereof, and the name of him the ſaid *F. H.* be inſerted in the place or places thereof: and that the name of him the ſaid *F. H.* may be entered on the *raſcal's record*, according to the conſtitution and laws of this honourable court—So anſwereth,

J. W.

ET poſtea, ſcilicet 26^to^ Aprilis prædicta F. H. in curiam venit, et ſuſtentat, et probat declarationem ejus, et facit bonum affeverationes et vilificationes ejus contra eundem J. W. et ſuper hoc dat curiæ hæc honorabili intelligere quod biennium, vel juxta, eſt quod commodavit prædicto J. W. unum librum vel libellum intitulatum *Epiſtolæ obſcurorum virorum* plenum funni; et quicunque legit in eodem libro ridebit multum et pinquefcebit; et quod bonum et neceſſarium eſt pro ſalute corporis et etiam mentis habere et legere in iſto libro: Et prædictus F. H. ſuper verbum et honorem ejus declarat et dicit quod frequenter et ſæpiſſime poſtulavit eundem librum intitulatum ut prædictum, a prædicto J. W.: et quod prædictus J. W. non curans pro ſalute vel jucunditate vel ſolamine prædicti F. H. non vult eundem libel-

lum

lum reddire ad eum, ut in vera honeſtate debet facere; ſed vi et armis, contra legem, contra bonam fidem et juſtitiam detinet eundem, ad grave et terribile damnum prædicti F. H. Per quam cauſam prædictus F. H. dicit et oſtendit hæc curiæ honorabili, quod valde maceſcit, et timet quod prius lõngum tempus erebit nil niſi pelis et oſſa et quod non poteſt ridere ſæpius quam ſemel vel bis in menſe, et qui nunquam ridet, nunquam pinguefcebit; ergo, ſuper fidem et veritatem credit quod prædictus J. W. voluit ponere eum ad mortem. Ergo, damat in curia hac honorabili contra prædictum J. W. et accuſat eum, et dicit et proteſtat quod iſte J. W. eſt rabſcallianus, tatterdemallianus, ninkumpoopus, et *ſkunkus*, et quod opportet eſſe ita recordatus; ut omnes homines maledicant eum in ſecula ſeculorum.

WHEREUPON, curia vult adviſare, and now on the 27th of April aforeſaid, judgement is given againſt the reſpondent, Niſi, &c. That is to ſay, unleſs he the ſaid J. W. ſhall, bona fide, reſtore and deliver the ſaid book, entitled *epiſtolæ obſcurorum virorum*, to him the ſaid F. H. on or before the 5th day of May next enſuing. But and if the ſaid J. W. ſhall, and do well and truly reſtore the ſaid book to the libellant in this cauſe, on or before the 5th

day of May, then the ſaid parties ſhall withdraw their ſeveral pleas, replications, and rejoinders from this court, ſo that the ſame may not be, or appear on the records thereof.

WHEREUPON the court adjourned, *ſine die*.

A LETTER

A

LETTER

TO THE

Rev. DOCTOR WHITE,

RECTOR OF CHRIST CHURCH AND ST. PETER'S ON THE CONDUCT OF A CHURCH ORGAN.

I AM one of thoſe who take great delight in ſacred muſic, and think, with royal David, that heart, voice, and inſtrument ſhould unite in adoration of the great Supreme.

A ſoul truly touched with love and gratitude, or under the influence of penitential ſorrow, will unavoidably break forth in expreſſions ſuited to its feelings. In order that theſe emanations of the mind may be conducted with uniformity and a becoming propriety, our church hath adopted into her

her liturgy, the book of pſalms, commonly called *David's Pſalms*, which contain a great variety of addreſſes to the Deity, adapted to almoſt every ſtate and temperature of a devout heart, and expreſſed in terms always proper, and often ſublime.

To give wings, as it were to this holy zeal, and heighten the harmony of the ſoul, *organs* have been introduced into the churches. The application of inſtrumental muſic to the purpoſes of piety is well known to be of very ancient date. Indeed, originally, it was thought that muſic ought not to be applied to any other purpoſe. Modern improvements, however, have diſcovered, that it may be made expreſſive of every paſſion of the mind, and become an incitement to levity as well as ſanctity.

UNLESS the real deſign for which an organ is placed in a church be conſtantly kept in view, nothing is more likely to happen than an abuſe of this noble inſtrument, ſo as to render it rather an obſtruction to, than an aſſiſtant in, the good purpoſe for which the hearers have aſſembled.

GIVE me leave, ſir, to ſuggeſt a few rules for the conduct of an organ in a place of worſhip, according to my ideas of propriety.

1ſt. The

1st. The organiſt ſhould always keep in mind, that neither the time or place is ſuitable for exhibiting all his powers of execution; and that the congregation have not aſſembled to be entertained with his performance. The excellence of an organiſt conſiſts in his making the inſtrument ſubſervient and conducive to the purpoſes of devotion. None but a maſter can do this. An ordinary performer may play ſurpriſing tricks, and ſhew great dexterity in running through difficult paſſages, which he hath ſubdued by dint of previous labour and practice. But *he* muſt have judgement and taſte who can call forth the powers of the inſtrument, and apply them with propriety and effect to the ſerioufneſs of the occaſion.

2nd. The voluntary, previous to reading the leſſons, was probably deſigned to fill up a ſolemn pauſe in the ſervice; during which, the clergyman takes a few minutes reſpite, in a duty too lengthy, perhaps, to be continued without fatigue, unleſs ſome intermiſſion be allowed: there, the organ hath its part alone, and the organiſt an opportunity of ſhewing his power over the inſtrument. This, however, ſhould be done with great diſcretion and dignity, avoiding every thing light and trivial; but rather endeavouring to compoſe the minds of the audience, and ſtrengthen the tendency of the

heart

heart in thoſe devout exerciſes, in which, it ſhould be preſumed, the congregation are now engaged. All ſudden jirks, ſtrong contraſts of *piano* and *forte*, rapid execution, and expreſſions of tumult, ſhould be avoided. The voluntary ſhould proceed with great chaſtity and decorum; the organiſt keeping in mind, that his hearers are now in the midſt of divine ſervice. The full organ ſhould ſeldom be uſed on this occaſion, nor ſhould the voluntary laſt more than *five minutes* of time. Some relaxation, however, of this rule may be allowed, on feſtivals and grand occaſions.

3^{d}. The *chants* form a pleaſing and animating part of the ſervice; but it ſhould be conſidered, that they are not ſongs or tunes, but a ſpecies of *recitative*, which is no more than ſpeaking muſically. Therefore, as melody or ſong is out of the queſtion, it is neceſſary that the harmony ſhould be complete, otherwiſe *chanting*, with all the voices in uniſon, is too light and thin for the ſolemnity of the occaſion. There ſhould at leaſt be half a dozen voices in the organ gallery to fill the harmony with baſs and treble parts, and give a dignity to the performance. Melody may be frivolous; harmony, never.

4th. The

4th. The prelude which the organ plays immediately after the pſalm is given out, was intended to advertiſe the congregation of the pſalm tune which is going to be ſung; but ſome famous organiſt, in order to ſhew how much he could make of a little, has introduced the cuſtom of running ſo many diviſions upon the ſimple melody of a pſalm tune, that the original purpoſe of this prelude is now totally defeated, and the tune ſo diſguiſed by the fantaſtical flouriſhes of the dexterous performer, that not an individual in the congregation can poſſibly gueſs the tune intended, until the clerk has ſung through the firſt line of the pſalm. And it is conſtantly obſervable, that the full congregation never join in the pſalm before the ſecond or third line, for want of that information which the organ ſhould have given. The tune ſhould be diſtinctly given out by the inſtrument, with only a few chaſte and expreſſive decorations, ſuch as none but a maſter can give.

5th. The interludes between the verſes of the pſalm were deſigned to give the ſingers a little pauſe, not only to take breath, but alſo an opportunity for a ſhort retroſpect of the words they have ſung, in which the organ ought to aſſiſt their reflections. For this purpoſe the organiſt ſhould be previouſly informed by the clerk of the verſes

to be ſung, that he may modulate his interludes according to the ſubject.

To place this in a ſtrong point of view, no ſtronger, however, than what I have too frequently obſerved to happen; ſuppoſe the congregation to have ſung the firſt verſe of the 33d pſalm.

"Let all the juſt to God with joy
Their chearful voices raiſe;
For well the righteous it becomes
To ſing glad ſongs of praiſe."

How diſſonant would it be for the organiſt to play a pathetic interlude in a flat third, with the ſlender and diſtant tones of the echo organ, or the deep and ſmothered ſounds of a ſingle diapaſon ſtop?

Or ſuppoſe again, that the words ſung have been the 6th verſe of the vith pſalm.

"Quite tired with pain, with groaning faint,
No hope of eaſe I ſee,
The night, that quiets common griefs
Is ſpent in tears by me"—

How

How monſtrouſly abſurd would it be to hear theſe words of diſtreſs ſucceeded by an interlude ſelected from the fag end of ſome thundering figure on a full organ, and ſpun out to a moſt unreaſonable length? Or, what is ſtill worſe, by ſome trivial melody with a rhythm ſo ſtrongly marked, as to ſet all the congregation to beating time with their feet or heads? Even thoſe who may be impreſſed with the feelings ſuch words ſhould occaſion, or in the leaſt diſpoſed for melancholy, muſt be ſhocked at ſo groſs in impropriety.

THE interludes ſhould not be continued above 16 bars in *triple*, or ten or twelve bars in *common* time, and ſhould always be adapted to the verſe ſung: and herein the organiſt hath a fine opportunity of ſhewing his ſenſibility, and diſplaying his taſte and ſkill.

6th. The voluntary after ſervice was never intended to eradicate every ſerious idea which the ſermon may have inculcated. It ſhould rather be expreſſive of that chearful ſatisfaction which a good heart feels under the ſenſe of a duty performed. It ſhould bear, if poſſible, ſome analogy with the diſcourſe delivered from the pulpit; at leaſt, it ſhould not be totally diſſonant from it. If the preacher has had for his ſubject, penitence for

for ſin, the frailty and uncertainty of human life, or the evils incident to mortality, the voluntary may be ſomewhat more chearful than the tenor of ſuch a ſermon might in ſtrictneſs ſuggeſt; but by no means ſo full and free as a diſcourſe on praiſe, thankſgiving, and joy, would authorize.

In general, the organ ſhould ever preſerve its dignity, and upon no account iſſue light and pointed movements which may draw the attention of the congregation and induce them to carry home, not the ſerious ſentiments which the ſervice ſhould impreſs, but ſome very petty air with which the organiſt hath been ſo good as to entertain them. It is as offenſive to hear lilts and jiggs from a church organ, as it would be to ſee a venerable matron friſking through the public ſtreet with all the fantaſtic airs of a *columbine*.

SUR-

SURVEYING.

I HAVE been long urged by an invincible property to attempt ſome thing for the public good, or public convenience, ſo as to render my name famous amongſt the benefactors of mankind. As my deſire is much ſtronger than my abilities, I am obliged to be content with humble attempts at diſcoveries of limited importance; for I confeſs that my genius is not of the higheſt rank.

THE project which has lately employed my thoughts, and which I am now about to communicate, will not be valued as conducive to the happineſs of mankind in a ſerious ſenſe; yet I hope the novelty of the deſign, and its affording a conſiderable gratification at a very ſmall expence, will entitle me to ſome reputation with the public: eſpecially when it ſhall be conſidered, that I do not, like other projectors and diſcoverers, make an emolument of my ingenuity, but freely give the fruits of my ſpeculations to my beloved fellow citizens, in

in the firſt place, and through to them, to the world at large.

I have frequently thought that the arts and ſciences might be extended beyond the limits of their profeſſed objects, and applied with advantage to other purpoſes than thoſe for which they ſeem directly intended. I remember that when I was a boy, my father ſaw me boring a hole with the leg of my compaſſes, for which he reproved me, and adviſed me never to uſe a thing in a way which it was not deſigned—But *Dr. Franklin*, who was preſent, declared himſelf of a different opinion; and ſaid he had often admired the dexterity of a ſervant who would occaſionally ſweep the hearth with the bellows, and blow the fire with the hearth-bruſh.

I once ſaw an elaborate work of an ingenious Frenchman, by which any perſon was enabled to compoſe an infinite number of minuets without the leaſt knowledge of muſic, or any other inſtrument, but a box and dice.

This readineſs in applying things to purpoſes for which they ſeem not deſigned has often been of the greateſt importance in caſes of extremity. The adventures of *Robinſon Cruſoe*, and

the hiſtories of perilous voyages and ſhip-wrecks, afford innumerable inſtances of the great advantage of ſuch a talent.

I am by profeſſion a *ſurveyer*; not indeed of the firſt rate reputation, yet I can execute my buſineſs with tolerable accuracy, and have given ſatisfaction to my employers. I, not long ſince, ſurveyed a tract of land, the boundaries of which were ſo ſingular, that when I came to plot the lines and courſes from my table book, I was ſurpriſed to find that the ſurvey exhibited the lines of a human face. This ſuggeſted to me the idea of applying the art of *ſurveying* to the purpoſe of *portrait painting*—Only conſider, candid reader, what an advantage this muſt be to the world—Who is there that does not wiſh to ſee a true and faithful likeneſs of thoſe eminent perſonages he reads of in hiſtory? Their actions indeed are recorded; but theſe may appear in very different lights to different people, and admit of very various comments, for want of knowing the ſecret motives which influenced thoſe actions. Now there is no better way known, of aſcertaining a man's intrinſic character, than by the indication of his countenance: hence the ſcience of phyſiognomy, and the great encouragement *portrait painting* hath found. But painting on canvaſs is very ex-

penſive, and original likeneſſes very ſcarce. As to *engravings*, they are by no means to be depended upon; every copyiſt varies more and more from the original: ſo that by the time a man has been dead forty or fifty years, however eminent he may have been, the prints bearing his name, are no more like him, than the ſign of the king of Pruſſia in third ſtreet is like that monarch. The thing ſhould be brought to a *mathematical* certainty. And this, I flatter myſelf, I have been ſo lucky as to accompliſh.

THE operation is quite eaſy, both to the party and to the artiſt. There is nothing more neceſſary that to take a correct outline of the perſon's profile, by throwing the ſhadow of his face * upon a ſheet of paper—a familiar and well known practice, then let the artiſt take his ſcale and dividers, and carefully meaſure all the courſes and diſtances of the lines which form the boundaries of the ſhadow. By the ſame means of courſes and diſtances, the ſituation, form, and ſize of the eye, eye brow, mouth, &c. &c. may be preciſely aſcertained; and thus by the help of a few letters and figures, may the exact likeneſſes of great perſonages be tranſmitted to poſterity, and made as public

* Or of his whole perſon.

public as a common advertiſement, and at as little expence.

WHAT ſatisfaction would it not afford us at this day to be poſſeſſed of an accurate ſurvey of the faces of *Julius Cæſar*, *Mark Anthony*, *Cicero*, *Virgil*, *Horace*, and other renowned characters, who are now only known by their works and exploits.

MY project will, moreover, be particularly beneficial to private families; a man may, in the diviſion of his eſtate, ſo contrive it as to leave his likeneſs in a tract of land. So that his grandſon will have nothing to do but conſult his title deeds, take down the lines and courſes of his farm, and by plotting them on paper may at any time produce the portrait of his deceaſed anceſtor, and ſurvey his ground and his grandfather at one and the ſame time; whoſe reſemblance will be thus ſecured to his family, ſubject to no variation, but the variation of the needle.

MY ſcheme will be ſufficiently manifeſted by an example. And this I ſhall give by tranſcribing from my table book the courſes and diſtances of the tract of land which gave me the firſt idea of applying the practice of ſurveying to the purpoſes of portrait painting.

THE following is an exact copy of the courſes and diſtances, and the drawing is plotted from them with as much accuracy as the ſubject would admit.

FROM an aſſumed point A, run a line S. 67° 30′ W. 52 perches, to a point B; thence N. 5° W. 64 perches to C; thence N. 7° W. 36 perches to D; thence due weſt, 60 perches to E; thence N. 48° E. 110 perches to F; thence N. 13° E. 60 perches to G; thence N. 45° E. 190 perches to H; thence N. 77° E. 108 perches to I; thence S. 5° W. 240 perches to K; thence along the ſame courſe 120 perches to L; thence S. 78° W. 180 perches to M; and thence 30 perches to the place of beginning.

THESE lines form external boundaries of the tract. For a further deſcription, the following courſes and diſtances muſt be obſerved.

FROM the point A continue the line B A, 100 perches to N; thence N. 29°, E. 48 perches to a point. From the point C a foul ditch runs eaſtward 35 perches. From the point D it is 25 perches to the edge of a circular hill bending weſtward, and over D is an eliptical hollow 40 perches long, where it joins the ſouthermoſt part of

of the circular hill. The ſoil of this eliptical hollow is very moiſt and unctuous: and fit for the cultivation of Tobacco—From the point F a piece of woodland runs N. 48° E. 59 perches to a point, and thence tends ſouth-eaſterly 45 perches. This copſe of woods is of an eliptical form, beginning very narrow at F and encreaſing to 10 perches in width at the northernmoſt point of the curve, and thence decreaſes in width to the ſouth-eaſternmoſt point, where it is very thin.

In a due north and ſouth line paſſing through the point M, and at the diſtance of 180 perches north of M, aſſume a point o, and from that point draw a line N. 70° W. 30 perches. From a point in this line, a little to the weſtward of o, draw another line running ſouthweſtwardly 25 perches, forming an angle of 35° with the other line. About 20 perches from the angular point o draw a circular line perpendicularly and *looking* weſtward. Theſe three lines will form a mixed triangle, whereof two of the legs will be right lines, and the third a portion of a ſphere. The northern leg of this triangle is fringed with ruſhes, being the edge of a watery ſoil, it muſt therefore be penciled ſomewhat thicker and ſtronger than the ſouthern leg, which ſhould be rather faintly ſketched than abſolutely drawn.

FROM the point G run a line N. 60° E. 150 perches to a point P; thence South 46° E. 20 perches to Q; thence ſouth 30° W. 130 perches to R; thence due ſouth 20 perches to S; thence S. 62° E. 95 perches to T; and thence 70 perches to K.

FROM the middle of the line S T, there is a circular piece of riſing ground, being 45 perches on the line S T, and ſtretching ſouth-weſterly 25 perches. At the foot of this riſing ground is a copſe, thick covered with wild bruſh and coarſe underwood, of a circular ſhape, whoſe diameter from N. E. to S. W. is 45 perches, and from N. W. to S. E. 40 perches.

ALL the ſpace bounded by the lines G, H, I, K, T, S, R, Q, P, is a cold, moiſt, and barren ſoil, producing nothing but a profuſion of coarſe reeds, rank and long. Theſe have been ſo blown down by weſterly winds, that from G they tend to the E. N. E; from P Q to the N. E. and from R S eaſtwardly. Theſe reeds run over the boundary line I K very ſtraggling and irregular, ſo as to cover and conceal that line: and therefore the line I K muſt not be drawn abſolute, but only dotted, or traced, being no more than the average courſe of the long reeds. From the

the whole line T K, the reeds run due ſouth, and are very thick and long. All this muſt be expreſſed by the pencil. Laſtly, all the ſharp angles of the figure muſt be moderately rounded off, and all the lines made ſomewhat arching, but ſparingly. The eye of the artiſt will beſt direct him how to dreſs the lines and angles ſo as to anſwer the general deſign.

If the above courſes and diſtances are carefully laid down upon paper, and the directions obſerved, they will produce the drawing of a human face: and if the draftſman ſhould have any tolerable judgment in things of this kind, and a warm imagination, he may fancy that he diſcovers a likeneſs of ſome perſon or other. I plotted my ſcale of $\frac{1}{4}$ inch to 100 perches.

I have it in contemplation to improve my device, by aſcertaining, in fixed terms, the manner in which a profile ſo drawn may be coloured to the life, and thereby make the likeneſs perfect. For this purpoſe I had recourſe to *heraldry*; and hoped by means of *or*, *argent*, *gules*, &c. to dictate preciſely the complexion, colour of the hair, eyes, &c. but could not find terms ſufficient to expreſs the neceſſary teints: and as to the termination *iſh*, which ſome make uſe of, as in blueiſh, greeniſh, rediſh, &c.

&c. it is too vague and indeterminate for the purpoſe. Unleſs, therefore, I can find ſome known art or ſcience which will furniſh definitions of colours as certain and intelligible, as ſurveying gives us lines and courſes, I ſhall be obliged to compoſe a ſet of appellations anſwerable to all the principal colours, and as many of their gradations and mixtures as are uſual in portrait painting. Theſe being once admitted, will ſerve for ever after. Thus, in engraving, the directions of the ſtrokes of the engraver aſcertain the colours or *blazoning* of a coat of arms. When it became generally admitted that horizontal ſtrokes ſhould indicate *blue*, perpendicular ſtrokes, *red;* diagonal ſtrokes, *green;* and ſo on, all uncertaintainty was removed.

PERHAPS Mr. Pine and Mr. Peale may take it into their heads, that I have made this diſcovery public, with a malicious intention to injure them in their profeſſion; but I proteſt before all men, that I have a conſiderable eſteem for thoſe ingenious gentlemen, and would willingly have ſuppreſſed my project out of tenderneſs to them, had not an urgent ſenſe of the duty I owe to my fellow-citizens at large, overbalanced the influence of private attachments.

It will be in vain for any projector, in France, England, or elſewhere, to diſpute with me the honour of this invention, unleſs he can produce a publication of a ſimilar ſcheme, bearing date prior to this month of November 1784. But, to prevent all miſtakes, I wiſh our philoſophical ſociety would be ſo good as to make a minute of my diſcovery: and it would be ſtill better, if *Mr. Patterſon* would give the foregoing ſurvey, as a taſk to the lads of the univerſity under his tuition.

PROJECTOR.

For

* For the Pennſylvania Packet.

A Man who is *diſpoſed* to be entertained may find amuſement in the moſt common occurrences of life. Objects ſtrike the eye, and incidents affect the mind, very differently in different perſons. Some men accuſtom themſelves to ſee every thing in a ludicrous point of view; others, in a ſerious light; and, the multitude are content with mere perception; that is, barely ſeeing and hearing, without making any other further uſe of their ſenſes.

THIS diverſity of diſpoſition is founded in the original conſtitutions of the parties. The *humoriſt* was funny and roguiſh when a boy; following the propenſity of his nature, he acquires an habitual facility in aſſociating ludicrous ideas with the moſt ordinary, and ſeemingly the moſt barren incidents of

* Some perſonal altercations in the public papers occaſioned this piece of ridicule.

of life. His eye immmediately diſcovers any ſingularity of countenance, or manner, becauſe he is always loooking for ſingularities; and he finds ſomething to divert him in the moſt common tranſactions, becauſe he is always hunting for diverſion.

I have myſelf, ſome tincture of this diſpoſition; and, when diſengaged from more ſerious buſineſs, I ſally forth with a deſign to ſeek for entertainment. A variety of ſources immediately preſent. For inſtance: it requires no great effort of imagination to ſuppoſe that the major part of the inhabitants of this great city are actually *mad*. Impreſſed with this idea, I obſerve the countenance, gait, and manner of every one I meet, and endeavour to claſs my lunatics under different ſpecies of frenzy.

One fellow drives along with ſuch heedleſs impetuoſity, that he treads in the gutters inſtead of ſtepping over them, and runs againſt the poſts, which he might eaſily avoid. Another, has ſuch ſtrong marks of anxiety, expreſſed in every feature of his face, that his whole ſoul ſeems to be abſorbed in ſome ſale, purchaſe, or other purſuit. A third, is haranguing with great vehemence to two or three ignoramuſes who devour his politics with open ears. And, I ſee a fourth, in a violent

paſſion,

paſſion, curſing and ſwearing like a failor in a ſtorm. But there is no end to the variety of characters that preſent, and conſequently no end to this ſource of obſervation and entertainment.

At another time, I apply to the ſtreets for a different ſpecies of diverſion. I walk round a ſquare, and attend to all the ſcraps and fragments of converſation I can pick up *en paſſant*. When I return home I write theſe on ſeparate pieces of paper: and then amuſe myſelf with arranging them in ſuch order as to produce, if poſſible ſome apparent connection. If this cannot be done, I make another excurſion, and collect more materials, till out of a great number, I am enabled to accompliſh my purpoſe. For example—

What's the price of butter to-day?
It will ſell for 4*ſ.* per gallon by the hogſhead.

Is your couſin married?
She will be launched next Thurſday.

She is a good beaſt, and will carry you through thick and thin.
Ay! to be ſure we muſt ſupport the conſtitution.

Do you think *the funding bill* * will paſs?

No friend. The inſurers muſt bear the loſs: we have nothing to do with it.

They ſay *Longchamp* † will be given up.

That's my man—no, its mine—I ſwear its mine: it rolled into the gutter; it ſtruck againſt that gentleman's foot, and he kicked it into the gutter.—Didn't it Tom? Didn't it Jack?—You lie! I ſay it didn't.—Did it Cuff? Did it Pompey? And here a boxing match.

But my preſent fancy is to ſuppoſe the public newſpapers to be ſo many real theatres, on which ſome comedy or farce is daily exhibited for my entertainment. About nine o'clock the packet of the

* A bill for funding the public debt was at this time before the houſe. Thoſe who had contributed nothing in the late war, were unwilling to be taxed for the payment of intereſt on the ſums lent to government for carrying it on: and therefore oppoſed the bill.

† A Frenchman who had inſulted the conſul and miniſter of France, and immediately took the oath of allegiance to the ſtate of Pennſylvania, and claimed protection as a citizen of the commonwealth: but the miniſter of France demanded him as a French ſubject, and a deſerter from the army. This matter occaſioned a great deal of confuſion, and much trouble to government.

the day is brought in: I take my ſeat: the curtain riſes, and the play begins.

For inſtance:

SCENE—PHILADELPHIA.

Enter a doctor of divinity,
and a doctor of medicine.*

A very familiar dialogue commences, in which each performer endeavours to diſplay the character of his antagoniſt in as ſtriking a manner as poſſible to my great ſatisfaction. I imagine I ſee the profeſſional battle. The divine throws text of ſcripture in the face of his adverſary, and hampers him with the cords of logical concluſions; whilſt the phyſician ſquirts clyſters at the divine, and claps cantharides on his back.

BUT the moſt comical part of the ſcene is this. The learned divine *hoiſts* the univerſity, and expoſing its naked ſkin, exclaims with admiration—"Oh, charming! behold and ſee what a *broad bottom* is here!"

* A warm controverſy between Dr. E—— and Dr. R——, reſpecting the *univerſity of Pennſylvania*, and *the college at Carliſle*: in which the *broad bottom* of the univerſity was too frequently mentioned to paſs unnoticed.

here!" Whereupon the phyſician immediately *hoiſts Dickenſon college*, and with equal eloquence deſcants upon its *narrow bottom*.—"Look, ſays the divine, on this capacious diſk—on the one ſide ſits the *pope*; on the other ſide ſits *Luther;* and ſee how ſnug *Calvin* lies between them both." "Its all wrong, replies the phyſician, *Calvin* has no buſineſs there: he will be choaked—he will be ſuffocated—he will be ſqueezed to death—here is a fine *narrow bottom* more fit for his accommodation. He can have it all to himſelf—he is a *uſurper* there, but *this* is his own fleſh and blood." From words they proceed to blows. The divine is heated with zeal ſeven times hotter than Nebuchadnezzar's furnace: he vociferates—"The ſword of the Lord and of Gideon!" and forthwith flogs away on the narrow bottom of poor *Carliſle*. The phyſician is alſo enraged. "By the bones of Boerhaave, and the duſt of Hypocrates, ſays he, I will be even with you:" and without further prelude, falls to ſcourging the pope, Luther, and Calvin all at once upon the broad bottom of the univerſity.——But the ſcence changes——

Enter

Enter two muſicians.

(Another battle.)

* Mr. *Tweedledum* begins the attack with a full *diſcord* in a *ſharp third*, and leaves it *unreſolved*, which to be ſure is very ſhocking. Mr. *Tweedledee* replies in the *natural key;* but in a *ſharp third* alſo. *Tweedledum* then changes the modulation, and after running a rapid diviſion, cloſes with a chromatic arpegio in a flat third. There is no bearing this. The parties are enraged—*Tweedledum* ſeizes the diapaſon pipe of an organ—*Tweedledee* defends himſelf with a ſilver mounted flute: and to it they go—blaſting away at each other with aſtoniſhing vigour and dexterity. Methinks I hear the ſhrill tones of the flute, now ranging through the upper octave, and maintaining acknowledged ſuperiority; and now deſcending into the flowery plains of the fruitful tenor, and yielding to the powerful vibrations of the dreadful organ pipe.

Thus it is, that by the help of imagination, and a talent for conſidering circumſtances in a ſingular point of view, I am enabled to find entertainment in occurrences which are ſcarcely noticed by others.

But

* A diſpute between Mr. *Brown*, an eminent performer on the flute, and Mr. *Bentley*, an organiſt.

But I never make ſport of matters really ſerious. The miſeries, misfortunes, and ſufferings of our fellow creatures can never be proper ſubjects of ridicule; but the paſſions, follies, and abſurdities of mankind are ſurely lawful occaſions of laughter.

A. B.

March, 1785.

A

LETTER

FROM A GENTLEMAN IN AMERICA, TO HIS FRIEND IN EUROPE,

ON

WHITE-WASHING.

DEAR SIR,

THE peculiar cuſtoms of every country appear to ſtrangers awkward and abſurd, but the inhabitants conſider them as very proper and even neceſſary. Long habit impoſes on the underſtanding, and reconciles it to any thing that is not manifeſtly pernicious or immediately deſtructive.

THE religion of a country is ſcarcely held in greater veneration than its eſtabliſhed cuſtoms: and it is almoſt as difficult to produce an alteration in the one as in the other. Any interference of government

government for the reformation of natural cuſtoms, however trivial and abſurd they may be, never fails to produce the greateſt diſcontent, and ſometimes dangerous convulſions. Of this there are frequent inſtances in hiſtory. Bad habits are moſt ſafely removed by the ſame means that eſtabliſhed them, viz. by imperceptible gradations, and the conſtant example and influence of the higher claſs of the people.

We are apt to conclude that the faſhions and manners of our own country are moſt rational and proper, becauſe the eye and the underſtanding have long ſince been reconciled to them, and we ridicule or condemn thoſe of other nations on account of their novelty: yet the foreigner will defend his national habits with at leaſt as much plauſibility as we can our own. The truth is, that reaſon has little to do in the matter. Cuſtoms are for the moſt part arbitrary, and one nation has as good a right to fix its peculiarities as another. It is of no purpoſe to talk of convenience as a ſtandard: every thing becomes convenient by practice and habit.

I have read ſomewhere of a nation (in Africa I think) which is governed by twelve counſellors. When theſe counſellors are to meet on public buſineſs, twelve large earthen jars are ſet in two rows,

and filled with water. The counſellors enter the apartment one after another, ſtark naked, and each leaps into a jar, where he ſits up to the chin in water. When the jars are all filled with counſellors, they proceed to deliberate on the great concerns of the nation. This, to be ſure, forms a very groteſque ſcene; but the object is to tranſact the public buſineſs: they have been accuſtomed to do it in this way, and therefore it appears to them the moſt rational and convenient way. Indeed, if we conſider it impartially, there ſeems to be no reaſon why a counſellor may not be as wiſe in an earthen jar as in an elbow chair; or why the good of the people may not be as maturely conſidered in the one as in the other.

THE eſtabliſhed manners of every country are the ſtandards of propriety with the people who have adopted them; and every nation aſſumes the right of conſidering all deviations therefrom as barbariſms and abſurdities.

THE *Chineſe* have retained their laws and cuſtoms for ages immemorial: and although they have long had a commercial intercourſe with European nations, and are well acquainted with their improvements in the arts, and their modes of civilization, yet they are ſo far from being convinced

of any ſuperiority in the European manners, that their government takes the moſt ſerious meaſures to prevent the cuſtoms of foreigners taking root amongſt them. It employs their utmoſt vigilance to enjoy the benefits of commerce, and at the ſame time guard againſt innovations that might affect the the characterestic manners of the people.

SINCE the diſcovery of the *Sandwich* iſlands in the South-Sea, they have been viſited by ſhips from ſeveral nations; yet the natives have ſhewn no inclination to prefer the dreſs and manners of the viſitors to their own. It is even probable that they pity the ignorance of the Europeans they have ſeen, as far removed from civilization; and value themſelves on the propriety and advantage of their own cuſtoms.

THERE is nothing new in theſe obſervations, and I had no intention of making them when I ſat down to write, but they obtruded themſelves upon me. My intention was to give you ſome account of the people of theſe new ſtates; but I am not ſufficiently informed for the purpoſe, having, as yet, ſeen little more than the cities of *New-York* and *Philadelphia*. I have diſcovered but few national ſingularities amongſt them. Their cuſtoms and manners are nearly the ſame with thoſe of

England, which they have long been uſed to copy. For, previous to the late revolution, the Americans were taught from their infancy to look up to the Engliſh as the patterns of perfection in all things.

I have, however, obſerved one cuſtom, which, for ought I know, is peculiar to this country. An account of it will ſerve to fill up the remainder of this ſheet, and may afford you ſome amuſement.

When a young couple are about to enter on the matrimonial ſtate, a never failing article in the the marriage treaty is, that the lady ſhall have and enjoy the free and unmoleſted exerciſe of the rights of WHITE-WASHING, with all its ceremonials, privileges, and appurtenances. You will wonder what this privilege of *white-waſhing* is. I will endeavour to give you an idea of the ceremony, as I have ſeen it performed.

There is no ſeaſon of the year in which the lady may not, if ſhe pleaſes, claim her privilege; but the latter end of May is generally fixed upon for the purpoſe. The attentive huſband may judge, by certain prognoſtics, when the ſtorm is nigh at hand. If the lady grows uncommonly fretful, finds fault with the ſervants, is diſcontented with the children,

children, and complains much of the naſtineſs of every thing about her: theſe are ſymptoms which ought not to be neglected, yet they ſometimes go off without any further effect. But if, when the huſband riſes in the morning, he ſhould obſerve in the yard, a wheelbarrow, with a quantity of lime in it, or ſhould ſee certain buckets filled with a ſolution of lime in water, there is no time for heſitation. He immediately locks up the apartment or cloſet where his papers, and private property are kept, and putting the key in his pocket, betakes himſelf to flight. A huſband, however beloved, becomes a perfect nuiſance during this ſeaſon of female rage. His authority is ſuperſeded, his commiſſion ſuſpended, and the very ſcullion who cleans the braſſes in the kitchen becomes of more importance than him. He has nothing for it but to abdicate, for a time, and run from an evil which he can neither prevent nor molify.

THE huſband gone, the ceremony begins. The walls are ſtripped of their furniture—paintings, prints, and looking-glaſſes lie in huddled heaps about the floors; the curtains are torn from their teſters, the beds crammed into windows, chairs and tables, bedſteads and cradles crowd the yard; and the garden fence bends beneath the weight of carpets, blankets, cloth cloaks, old coats, under petticoats,

petticoats, and ragged breeches. *Here* may be ſeen the lumber of the kitchen, forming a dark and confuſed maſs for the fore-ground of the picture; gridirons and frying-pans, ruſty ſhovels and broken tongs, joint ſtools, and the fractured remains of ruſh bottomed chairs. *There* a cloſet has diſgorged its bowels—rivetted plates and diſhes, halves of china bowls, cracked tumblers, broken wine-glaſſes, phials of forgotten phyſic, papers of unknown powders, ſeeds and dryed herbs, tops of tea-pots, and ſtoppers of departed decanters—from the rag hole in the garret, to the rat hole in the cellar, no place eſcapes unrummaged. It would ſeem as if the day of general doom was come, and the utenſils of the houſe were dragged forth to judgment. In this tempeſt, the words of king *Lear* unavoidable preſent, and might with little alteration be made ſtrictly applicable.

"————Let the great gods
"That keep this dreadful pudder o'er our heads
"Find out their enemies now. Tremble thou wretch
"That haſt within thee undivulged crimes
"Unwhipt of juſtice————"
"————Cloſe pent up guilt,
"Rive your concealing continents, and aſk
"Theſe dreadful ſummoners grace."

THIS ceremony completed, and the houſe thoroughly

roughly evacuated, the next operation is to ſmear the walls and ceilings with bruſhes, dipped in a ſolution of lime called WHITE-WASH; to pour buckets of water over every floor, and ſcratch all the partitions and wainſcoats with hard bruſhes, charged with ſoft ſoap and ſtone-cutter's ſand.

THE windows by no means eſcape the general deluge. A ſervant ſcrambles out upon the penthouſe, at the riſk, of her neck, and with a mug in her hand, and a bucket within reach, daſhes innumerable gallons of water againſt the glaſs panes, to the great annoyance of paſſengers in the ſtreet.

I have been told that an action at law, was once brought againſt one of theſe water nymphs, by a perſon who had a new ſuit of clothes ſpoiled by this operation: but after long argument it was determined, that no damages could be awarded; inaſmuch as the defendant was in the exerciſe of a legal right, and not anſwerable for the conſequences. And ſo the poor gentleman was doubly nonſuited; for he loſt both his ſuit of clothes and his ſuit at law.

THESE ſmearings and ſcratchings, theſe waſhings and daſhings, being duly performed, the next ceremonial is to cleanſe and replace the diſtracted furniture.

niture. You may have ſeen a houſe-raiſing, or a ſhip-launch—recollect, if you can, the hurry, buſtle, confuſion, and noiſe of ſuch a ſcene, and you will have ſome idea of this cleanſing match. The misfortune is, that the ſole object is to make things *clean*. It matters not how many uſeful, ornamental, or valuable articles ſuffer mutilation or death under the operation. A mahogany chair and a carved frame undergo the ſame diſcipline: they are to be made *clean* at all events; but their preſervation is not worthy of attention. For inſtance: a fine large engraving is laid flat upon the floor; a number of ſmaller prints are piled upon it, until the ſuper-incumbent weight cracks the lower glaſs —but this is of no importance. A valuable picture is placed leaning againſt the ſharp corner of a table; others are made to lean againſt that, till the preſſure of the whole forces the corner of the table through the canvas of the firſt. The frame and glaſs of a fine print are to be cleaned; the ſpirit and oil uſed on this occaſion are ſuffered to leak through and deface the engraving—no matter! If the glaſs is clean and the frame ſhines it is ſufficient —the reſt is not worthy of conſideration. An able arithmetician hath made a calculation, founded on long experience, and proved that the loſſes and deſtruction incident to two white-waſhings are equal

to one removal and three removals equal to one fire.

THIS cleanſing frolic over, matters begin to reſume their priſtine appearance: the ſtorm abates, and all would be well again: but it is impoſſible that ſo great a convulſion in ſo ſmall a community ſhould paſs over without producing ſome conſequences. For two or three weeks after the operation, the family are uſually afflicted with ſore eyes, ſore throats, or ſevere colds, occaſioned by exhalations from wet floors and damp walls.

I know a gentleman here who is fond of accounting for every thing in a philoſophical way. He conſiders this, which I call *a cuſtom*, as a real, periodical diſeaſe, peculiar to the climate.—His train of reaſoning is whimſical and ingenious, but I am not at leaſure to give you the detail. The reſult was, that he found the diſtemper to be incurable; but after much ſtudy, he thought he had diſcovered a method to divert the evil he could not ſubdue. For this purpoſe, he cauſed a ſmall building, about twelve feet ſquare, to be erected in his garden, and furniſhed with ſome ordinary chairs and tables, and a few prints of the cheapeſt ſort. His hope was, that when the white-waſhing frenzy ſeized the females of his family,

mily they might repair to this apartment, and ſcrub, and ſcour, and ſmear to their hearts content; and ſo ſpend the violence of the diſeaſe in this out-poſt, whilſt he enjoyed himſelf in quiet at head-quarters. But the experiment did not anſwer his expectation. It was impoſſible it ſhould, ſince a principal part of the gratification conſiſts in the lady's having an uncontrolled right to torment her huſband, at leaſt once in every year; to turn him out of doors, and take the reins of government into her own hands.

THERE is a much better contrivance than this of the philoſopher's: which is, to cover the walls of the houſe with paper. This is generally done. And though it does not aboliſh, it at leaſt ſhortens the period of female dominion. This paper is decorated with various fancies, and made ſo ornamental that the women have admitted the faſhion without perceiving the deſign.

THERE is alſo another alleviation of the huſband's diſtreſs. He generally has the ſole uſe of a ſmall room or cloſet for his books and papers, the key of which he is allowed to keep. This is conſidered as a privileged place, even in the white-waſhing ſeaſon, and ſtands like the land of *Goſhen* amidſt the plagues of *Egypt*. But then he muſt

muſt be extremely cautious, and ever upon his guard: for ſhould he inadvertently go abroad, and leave the key in his door, the houſe maid, who is always on the watch for ſuch an opportunity, immediately enters in triumph with buckets, brooms, and bruſhes—takes poſſeſſion of the premiſes, and forthwith puts all his books and papers *to rights*, to his utter confuſion, and ſometimes ſerious detriment. I can give you an inſtance.

A gentleman was ſued at law, by the executors of a mechanic, on a charge found againſt him in the deceaſed's books to the amount of £ 30. The defendant was ſtrongly impreſſed with a belief that he had diſcharged the debt and taken a receipt; but as the tranſaction was of long ſtanding, he knew not where to find the receipt. The ſuit went on in courſe, and the time approached when judgment ſhould be obtained againſt him. He then ſat down ſeriouſly to examine a large bundle of old papers, which he had untied and diſplayed on a table for the purpoſe. In the midſt of his ſearch he was ſuddenly called away on buſineſs of importance. He forgot to lock the door of his room. The houſe maid who had been long looking for ſuch a opportunity, immediately entered with the uſual implements, and with great alacrity fell to clean-

ing

ing the room and *putting things to rights*. One of the firſt objects that ſtruck her eye was the confuſed ſituation of the papers on the table. Theſe, without delay, ſhe hudled together like ſo many dirty knives and forks; but in the action a ſmall piece of paper fell unnoticed on the floor, which unfortunately happened to be the very receipt in queſtion. As it had no very reſpectable appearance, it was ſoon after ſwept out with the common dirt of the room, and carried in a duſt pan to the yard. The tradeſman had neglected to enter the credit in his book. The defendant could find nothing to obviate the charge, and ſo judgment went againſt him for debt and coſts. A fortnight after the whole was ſettled, and the money paid, one of the children found the receipt amongſt the dirt in the yard.

THERE is alſo another cuſtom, peculiar to the city of Philadelphia, and nearly allied with the former. I mean that of waſhing the pavements before the doors every Saturday evening. I at firſt ſuppoſed this to be a regulation of the police; but, on further enquiry, I find it is a religious rite preparatory to the Sabbath: and it is, I believe, the only religious rite in which the numerous ſectaries of this large city perfectly agree. The ceremony begins about ſunſet and continues till

till ten or eleven at night. It is very difficult for a ſtranger to walk the ſtreets on thoſe evenings. He runs a continual riſk of having a a bucket of dirty water daſhed againſt his legs; but a Philadelphian born is ſo much accuſtomed to the danger that he avoids it with ſurpriſing dexterity. It is from this circumſtance that a Philadelphian may be known any where by a certain ſkip in his gait. The ſtreets of New York are paved with rough ſtones. Theſe, indeed, are not waſhed, but the dirt is ſo thoroughly ſwept from between them that they ſtand up ſharp and prominent, to the great annoyance of thoſe who are not accuſtomed to ſo rough a path. But habit reconciles every thing. It is diverting enough to ſee a Philadelphian at New York. He walks the ſtreet with as much painful caution as if his toes were covered with corns, or his feet lamed by the gout: whilſt a New Yorker, as little approving the plain maſonry of Philadelphia, ſhuffles along the pavement like a parrot upon a mahogany table.

It muſt be acknowledged that the ablutions I have mentioned are attended with no ſmall inconvenience; yet the women would not be induced by conſideration to reſign their privilege.

NOTWITHSTANDING this ſingularity, I can give you the ſtrongeſt aſſurances that the women of America make the moſt faithful wives, and the moſt attentive mothers in the world. And I don't doubt but you will join me in opinion, that if a married man is made miſerable only for one week in a whole year, he will have no great cauſe to complain of the matrimonial bond.

THIS letter has run on to a length I did not expect; I therefore haſten to aſſure you that I am as ever.

June 1785.

Your, &c. &c. &c.

*TO THE EDITOR OF THE COLUMBIAN MAGAZINE.

SIR,

I HAVE ſeen a piece in the *Pennſylvania Packet*, and republiſhed in *Mr. Carey's* Muſeum, upon the cuſtom of *White-waſhing*, in which that neceſſary duty of a good houſe-wife is treated with unmerited ridicule. I ſhould probably have forgot the fooliſh thing; but the ſeaſon approaching, which moſt women think ſuitable for cleanſing their apartments of the ſmoke and dirt of the winter, I hear this ſaucy author diſhed up in every family, and his flippant performance quoted whenever a wife attempts to exerciſe her reaſonable prerogative or execute the duties of her ſtation.

WOMEN generally employ their time to better purpoſe than in ſcribbling. The care and comforts of a family reſt principally on their

* The preceding publication made no ſmall clamour amongſt the ladies; to make amends, the author wrote this anſwer.

ſhoulders. Hence it is that there are but few famale authors; and the men, knowing how neceſſary our attentions are to their happineſs, take every opportunity of diſcouraging literary accompliſhments in the fair ſex. We hear it echo'd from every quarter—" My wife cannot make " verſes, it is true; but ſhe makes an excellent " pudding—She can't correct the preſs; but ſhe " can correct her children, and ſcold her ſervants " with admirable diſcretion—ſhe can't unravel the " intricacies of political oeconomy and federal go- " vernment; but ſhe can knit charming ſtock- " ings." And this they call praiſing a wife, and doing juſtice to her good character.

I ſay women generally employ their time to better purpoſe than in ſcribbling; otherwiſe this facetious writer had not eſcaped ſo long unanſwered. We have ladies who ſometimes lay down the needle and take up the pen; I wonder none of them have attempted ſome reply. For my part I do not pretend to be an author: I never appeared in print in my life, but I can no longer forbear ſaying ſomething in anſwer to ſuch impertinence.

Only conſider, Mr. Editor, our ſituation. Men are naturally inattentive to the decencies of life

life; but why ſhould I be ſo complaiſant? I ſay they are naturally naſty beaſts. If it were not that their connection with the refined ſex poliſhed their manners, and had a happy influence on the general œconomy of life, theſe lords of the creation would wallow in filth, and populous cities would infect the atmoſphere with their noxious vapours. It is the attention and aſſiduity of the women that prevent men from degenerating into ſwine.

How important, then, are the ſervices we render! And yet for theſe very ſervices we are made the ſubject of ridicule and fun—Baſe ingratitude! nauſeous creatures! Perhaps you may think I am in a paſſion—No, Mr. Editor, I do aſſure you I was never more compoſed in my life; and yet it is enough to provoke a ſaint to ſee how unreaſonably we are treated by the men—Why, now, there's my huſband, a good enough ſort of a man in the main, but I will give you a ſmall ſample of him. He comes into the parlour, the other day, where, to be ſure, I was cutting up a piece of linen. "Lord, ſays he, what a clutter here is—I cannot bear to ſee the parlour look like a taylor's ſhop—beſides, I am going to make ſome important philoſophical experiments, and muſt have ſufficient room." You muſt know my huſband is

one of your would-be philoſophers. Well—I bundled up my linen as quick as I could, and began to darn a pair of ruffles, which took up no room, and could give no offence. I was determined, however, to watch my lord and maſter's important buſineſs. In about half an hour the tables were covered with all manner of trumpery—bottles of water, phials of drugs, paſteboard, paper and cards, glue, paſte and gum-arabic, files, knives, ſciſſars and needles, roſin, wax, ſilk, thread, rags, jags, tags, books, pamphlets and manuſcripts.—Lord bleſs me! I am almoſt out of breath, and yet I have not enumerated half the articles. Well! to work he went, and although I did not underſtand the object of his manœuvres, yet I could ſufficiently diſcover that he did not ſucceed in any one operation: I was glad of that—yes, I confeſs, I was glad of that, and good reaſon too. After he had fatigued himſelf with miſchief, like a monkey in a china ſhop, and had called the ſervants to clear every thing away, I took a view of the ſcene before me. I ſhall not even attempt a minute deſcription—ſuffice it to ſay, that he had overſet his inkſtand, and ſtained my beſt mahogany table with ink; he had ſpilt a quantity of vitriol upon my carpet, and burned a hole in it; my marble hearth was all over ſpotted with melted roſin; he had bro-

ken

ken three china cups, two wine glaſſes, a tumbler, and one of my beſt decanters; and after all, as I ſaid before, I perceived that he had not ſucceeded in any one operation. By the bye—tell your friend the white-waſh ſcribbler, that this is one way by which our cloſets become furniſhed with—"halves of china bowls, cracked tumblers, bro-"ken wine glaſſes, tops of tea pots, and ſtoppers "of departed decanters." I ſay, I took a ſober view of the dirt and devaſtation my philoſophical huſband had made; and there I ſat, *like patience on a monument, ſmiling at grief;* but it worked inwardly—yes, Mr Editor, it worked inwardly, I would almoſt as lieve the melted roſin had been in his throat, and the vitriol upon his ſkin, as on my dear marble hearth and my carpet. It is not true that women have no command over their own feelings; for not withſtanding this groſs provocation I ſaid nothing, or next to nothing; I only obſerved, very pleaſantly, that a lady of my acquaintance had told me, that the reaſon why philoſophers are called *literary* men, is becauſe they frequently make a great *litter*—not a word more—However, the ſervant cleared away, and down ſat the diſappointed philoſopher. A friend dropt in ſoon after—"Your ſervant Sir,—how do you do?" "Oh Lord! I am almoſt fatigued

to death—I have been all the morning making philoſophical experiments." I was now more hardly put to it to ſmother a laugh, than I had been juſt before to contain my reſentment. My *precious* went out ſoon after with his friend—And I, as you may well ſuppoſe, immediately muſtered all my forces—bruſhes, buckets, ſoap, ſand, lime-ſkins, and cocoa-nut ſhells—all the powers of houſe-wifery were employed. I was certainly the beſt philoſopher of the two, for my experiments ſucceeded, and his did not—all was well again, except my broken ware and my carpet—my poor vitriolized carpet, which ſtill remains a mournful memento of philoſophic fury; or rather of philoſophic folly.

THIS operation was ſcarce over, when in came my *experimental dear*, and told me with all the indifference in the world, that he had invited ſix gentlemen to dine with him at three o'clock—it was then paſt one—I complained of the ſhort notice—"Poh! Poh! ſays he, you can get a leg of mutton, and a loin of veal, and a few potatoes, and it will do well enough—Heaven's! what a chaos muſt the head of a philoſopher be!—A leg of mutton, a loin of veal and potatoes! I was at a loſs whether I ſhould laugh or be angry.

But

But there was no time for determining—I had but an hour and a half to do a world of buſineſs in. My carpet, which had ſuffered in the cauſe of experimental philoſophy in the morning, was deſtined to be ſhamefully diſhonoured in the afternoon by a deluge of filthy tobacco juice—Gentlemen ſmokers and chewers, love ſegars and pigtail better than carpets.

THINK, Mr Editor, what a woman muſt endure under ſuch circumſtances; and then, after all to be reproached with her cleanlineſs, and to have her white-waſhings, her ſcowrings and ſcrubbings made the ſubject of public ridicule, is more than patience can put up with.

WHAT I have now exhibited is but a ſmall ſpecimen of the injuries we ſuffer under the boaſted ſuperiority of the men. But we will not be laughed out of our cleanlineſs. A woman would rather be called ***** than *ſlut;* as a man would rather be called a *knave* than *fool.*

I had a great deal more to ſay, but I am called away—We are juſt preparing to *white-waſh*—Yes, I ſay to *white-waſh*—the bruſhes are ready, the buckets are paraded—my huſband is gone off—

off—ſo much the better—When one is about a thorough cleaning, the firſt dirty thing to be removed is one's huſband—I am called for again—adieu!

Your's

NITIDIA.

* THE

*The COBLER.

N° I.

WHETHER it is owing to ſome ſolitary hours I paſs in my ſubterraneous ſhop, or to the overflowings of a large accumulation of ideas, acquired in a life of travel and adventures; or that the inceſſant motion of my elbows, neceſſary in my occupation, which, for reaſons unknown, may irritate and provoke the mind to diſcharge its contents, as the motion of a ſhip operates upon the ſtomachs, or that by ſome ſecret influence of the philoſophical walls that ſurround me I am induced, or

* The hall of the philoſophical ſociety was begun without a ſufficient fund for completing it, and, indeed, without the any reaſonable proſpect of procuring one. The cellars, however, were finiſhed, and the building remained a long time without any further advancement. One of the invalid ſoldiers, whoſe quarters were adjoining this building, had fitted up a cobler's ſtall in theſe cellars, he having formerly been a ſhoemaker, and he is ſuppoſed to be the author of this paper. A courſe of numbers was intended for the uſe of the *Columbian Magazine*. But a well known and ſingular character being too ſtrongly marked in this firſt number, the editor of the magazine declined publiſhing it, and ſo the whole deſign was laid aſide.

or rather compelled, to become an author, I know not—But ſo it is—If any fortune-teller had foretold that in the year 1787 I ſhould make my appearance as an eſſayiſt, before the reſpectable public, I ſhould have laughed at the prophet, and deſpiſed his art. And yet I remember I had a dream, ſome twenty years ago, the interpretation of which ſeems now to be plain enough, although at the time I could make nothing of it.

I thought I had loſt myſelf in a thick wood, without any road or path to direct my way. Whilſt I was conſidering what courſe I ſhould take, a wild gooſe and a parrot deſcended from a large tree, and after ſeveral circuitous flights, alighted, the one on my right ſhoulder, and the other on left. Theſe birds were certainly figurative of my authorſhip and genius.

When a writer makes his firſt appearance on the public ſtage, he is like an unknown ſtranger introducing himſelf into a large aſſembly: all eyes are turned towards him, and the whiſper goes round "Who is he? Who is he? Do you know "him? Do you? Not I, ſir, not I, madam:" whereby it becomes neceſſary that he ſhould give ſome account of himſelf. I ſhall endeavour to ſatisfy this

this reaſonable expectation in as few words as I can.

I was born in an obſcure village in England. My father could neither read nor write, but had a moſt profound veneration for men of genius and learning. He carried this blind paſſion ſo far, that he was frequently the ſubject of ridicule; and ſometimes ſuffered real loſs by ſharpers who impoſed themſelves upon him for ſcholars, and authors neglected by the ungrateful world, or men of genius, on the point of producing the moſt important diſcoveries.

My father reſolved to do better by me than his father had done by him; and therefore put me to a charity-ſchool as ſoon as I was eight years old. After two years cruel perſecution, I was whipped through the ſpelling-book as far as words of five ſyllables. It took me three months and a half to ſpell the word *liberality*; in which time I received 97 ſtrokes of the ferule on my right hand, and 53 on my left; 8 times I wore the dunce's cap; and 5 times publicly whipt. Beſides theſe, I received one hundred and thirteen ſtripes with a rattan acroſs my ſhoulders, and ſuffered two hundred and twenty five pinches of my right ear. At laſt I could ſpell the word *liberality*.

But

But being no longer able to bear this cruel diſcipline, I took to my heels and ran off.

I was cunning enough to elude the ſearch my father made for me for two years, and ſubſiſted by hiring myſelf occaſionally as a ſervant. At laſt, I offered myſelf to a farmer, who had ſeen an advertiſement anſwering my deſcription. He ſecured me, and ſent me back to my father, who loaded me with reproaches and abuſe. He gave over all expectation of making me a ſcholar, and fixing his hopes upon my brother *Dick*, bound me apprentice to a ſhoemaker.

I was almoſt as unſucceſsful here as at the free-ſchool. I acquired a tolerable knack at botching and patching, but could never arrive at the ſkill of making a whole ſhoe.

After I had in vain tried for four years to make myſelf maſter of the buſineſs, I conceived a thorough diſlike to the trade, and throwing down my ſtrap and laſt, I once more threw myſelf into the hands of fortune.

My father died ſoon after, and my mother did not think me worth enquiring after.

I went

I went through various ſcenes of employ for ſeven years: In which time I had great opportunities of making obſervations on men and manners. I contracted many prejudices; I ſtored up many opinions, and learned many words: but the word *liberality* was never out of my mind; it had been impreſſed on my memory, and, I may ſay, engraved on my fleſh.

At length I engaged in the ſervice of a man very famous in the learned world; a celebrated author in theology and natural philoſophy. I lived with him many years. I adopted all his principles, not becauſe I underſtood them, but becauſe I lived with him, and they were his principles, and becauſe I derived no ſmall credit from this connection; as the moon is admired for the light ſhe affords, not that ſhe is luminous in herſelf, but becauſe ſhe is within the influence of the ſun's rays. I was more than the ſervant, I was the companion of this great man; and as the multitude are apt to think that knowledge may be taken, like the itch or ſmall-pox, by contagion, I acquired a conſiderable literary reputation amongſt illiterate men. I turned the electric wheel for my patron; I kindled his fire; I brought him water; I handed him books from the ſhelves, and bottles from the cloſet; and ſo I became a *philoſopher*. Moreover,

I car-

I carried his manuſcripts to the printer, and brought back the printed ſheets for correction; and ſo I became a *theologiſt*. It is true, I was often unlucky in my zeal to ſerve him; I inadvertently diſcharged his accumulated electricity; I cracked his jars, and broke his bottles; I burned his clothes with vitriol, and his fleſh with aqua-fortis; and frequently ſtumbled in my way to the printer's, and plunged his manuſcript in the kennel. But he was a *philoſopher*, and bore all with patience.

STILL the word *liberality* preſſed upon my mind. My maſter and I differed in opinion about dephlogiſticated air: I thought he was very *illiberal;* and ſo we parted, and I determined to travel far and near in ſearch of true *liberality*.

I ran through moſt of the countries in Europe, in hopes of finding this precious jewel. But, alas! to no purpoſe. In *Spain* and *Portugal* they believe in tranſubſtantiation and the pope's infallibility, and the people of *France* believe in nothing at all; of courſe there could be no *liberality* in thoſe countries. In *Italy*, they prefer the philoſophy of *Ingenhouzen*, to that of my maſter and friend; this I thought very *illiberal*, notwithſtanding our difference. In *Geneva*, they believe in predeſ-

predeſtination, a doctrine I abhor: and in *Switzerland*, the citizens make a practice of hiring themſelves as ſoldiers to foreign princes.

I once thought I ſhould find what I was in ſearch of, amongſt the rude but uncorrupted inhabitants of the *Alps*: but after ſojourning with them many days, I diſcovered that they eſteemed the large *wens* which moſt of them had hanging to their chins as very ornamental, for my part I thought them extremely ugly, and ſo I concluded, that there could be no *liberality* on the *Alps*.

It would be a uſeleſs taſk to enumerate all the particulars in which the people of every nation differed from me in opinion, and diſappointed me in the object of my purſuit. True genuine *liberality* was not to be found amongſt them.

At length I returned to England. Here I found things worſe than ever. My friend's *theology* was publicly conteſted, and ſome of his doctrines even reprobated. Not only this, but the nation was engaged in a war with the people of America, on principles which I could not approve. Convinced, that there was no *liberality* in England, I determined to croſs the Atlantic, and ſeek for it in America.

On

On my arrival in this country, I was much chagrined to find that the doctrine of the Trinity was generally received and profeſſed; a doctrine againſt which I had acquired the ſtrongeſt antipathy from my maſter, the great philoſopher. However, as war raged in the country, there was no time for theological diſquiſitions; and as the juſtice of the war was clearly on the ſide of the Americans, I reſolved to take an active part in their cauſe, and enliſted myſelf a ſoldier in the Pennſylvania line. I went through inexpreſſible toil and danger, in marches, counter-marches, ſkirmiſhes and battles, and was finally wounded at the ſiege of *York-Town*, when lord Cornwallis and his army ſurrendered to the allied forces of France and America.

After the peace, I ſupported myſelf by cobling and patching, and employed my leiſure hours in combating the doctrine of the Trinity, and deviſing grand ſchemes *for public utility*.

At length government thought fit to eſtabliſh a corps of invalids, and fitted up the eaſt wing of the ſtate-houſe for their accommodation, and I now belong to this corps. As we have no great deal to do, our duty being very ſlight, I have ſpent much time in watching the progreſs of a building

building near our quarters, intended as a hall for the Philoſophical Society. Although it is not quite a year ſince the firſt ſtone was laid, the cellar is already completed; but *when* the roof will be raiſed, can be known only to men of profound erudition and nice calculation—to finiſh my hiſtory, of which but little now remains.—

As I ſtood looking on, whilſt the labourers were digging this philoſophical cellar, I took particular notice of the ſeveral *ſtratums* of loam, ſand and gra- as they appeared. I procured ſamples of each, and ſubmitting them to *hyperſtratical* experiments, I found that they were all of different *pacific* gravities. This extraordinary circumſtance ſtrongly prejudiced me in favour of the ſociety and their propoſed hall, and I concluded that I ſhould certainly find *true liberality* in the bottom of this ſcientific cellar.

As ſoon as it was completed, and covered with rough boards, I conveyed my bench and cobling tools to this ſubterraneous temple of Minerva. And here I may be ſeen daily toiling for *public utility* in the double capacity of cobler and author.

My ſituation, ſo contiguous to the ſeat of legiſlation and other offices of ſtate, has made me of

no ſmall uſe in the commonwealth. And the truth is, that I am now *oppreſt with public buſineſs*—I have heeltaped counſellors; patched the upper leather of judges; examined the *ſoles* of aſſembly men, and given ſome of them better *underſtandings*.

NOTWITHSTANDING that the care of the ſtate is thus daily preſſing upon me, I enjoy good health, owing to the *fallibrity* of my philoſophical work-ſhop: for, it is ſo ingeniouſly conſtructed, that the *atmoſpheric* air is compelled to deſcend and diſplace the *memphitic* air common in cellars and confined places.

FROM this profound habitation I ſhall date my future eſſays, and expect that my performances will procure me no ſmall credit with the public, if the people have any *liberality*.

☞ A warm diſpute had taken place between *Mr. Moore*, a merchant, and *Mr. Lewis*, a lawyer. The parties attacked each other with great acrimony in the public papers; and the conteſt drew in friends on both ſides, who ſoon became principals in the quarrel. Private challenges began to paſs; and what are called the rules of honour were publickly diſcuſſed. One gentleman went ſo far as to publiſh a general challenge in the newſpaper, undertaking to defend Mr. Lewis's ſide of the queſtion againſt all perſons whatſoever. It ſeemed very probable that this quarrel would have had a fatal iſſue amongſt ſome of the parties, when the following piece of ridicule made its appearance, which turned the laugh of the town upon the combatants, entirely cruſhed the whole affair, and laughed the rules of honour out of countenance. The parties forgave each other ſooner than they forgave the author.

FOR THE PENNSYLVANIA PACKET.

I Mentioned in a former eſſay that my greateſt ambition is to become famous by the invention of ſome ingenious or uſeful project which ſhall be generally approved and adopted. At the ſame time I communicated to the public, a device, which, from its novelty and convenience, I thought could not fail of ſucceſs. In vain, however, have I looked for that applauſe which I ſtill think juſtly due to the fruit of genius, ripened by the labours

of the underſtanding. The author and his contrivance are no more thought of.

I have at different times, publiſhed ſeveral other devices of rare invention, which have all found the ſame fate. Whether the fault lies with me, or with the public, I ſhall not preſume to ſay; but as my love of fame is invincible, I ſhall go on projecting and contriving in hopes ſome lucky hit may accompliſh my purpoſe, by procuring me the honour I ſo ardently deſire.

As I am now growing old in the buſineſs, experience and frequent diſappointments have taught me to be leſs ſanguine in my expectations; and, like other authors, to depend more on a fortuitous poſſeſſion of the public caprice than on the intrinſic merits of my own performance.

My preſent deſign, which I offer with great modeſty, reſpects an improvement in the art of *printing*; and is a device to render it not only expreſſive of an author's narrative, opinions, or arguments; but alſo of the peculiarities of his temper and the vivacity of his feelings.

As I have as due a regard to literary honeſty as to any other kind of honeſty, I candidly confeſs that

that I took the hint from an ingenious work of a *Mr. Steele* of London, who has contrived and publiſhed a ſcheme for noting down, in certain muſical characters, the riſings, fallings, and various inflections of the voice in common converſation or in public ſpeaking. So that not only the matter of an oration, but even the *manner* of the orator may be ſecured and tranſmitted to poſterity.

My contrivance has this advantage over his, that no new characters are neceſſary to it. Thoſe commonly uſed in printing are ſufficient for the purpoſe. Beſides, his project is only calculated to aſcertain the *fortes* and *pianos*, and various *ſlides* of the human voice in ſpeaking; whereas mine is contrived to deſignate the *fortes* and *pianos*, and various *ſlides* of the temper in writing.

My ſyſtem is founded in a practice which nature herſelf dictates, and which every one muſt have obſerved, I mean that of elevating the voice in proportion to the agitation of mind, or earneſtneſs of the ſpeaker. Thus a reprimand is given in a higher tone than admonition: and a perſon in a fright or in paſſion, exerts his lungs according to the *quantum* of terror or rage with which he is affected.

Now *I would have* the degrees of vociferation

—ſuch as *pianiſſimo*, *piano*, *forte*, *fortiſſimo*, with all the intermediate gradations deſignated by the ſize of the letters which compoſe the emphatic words. And for this the various ſpecies of types from Pearl up to

Five Line Pica,

will afford an ample ſcale.

The ingenious authors of advertiſements have I confeſs, in ſome ſort anticipated my deſign. We often ſee.

ſtop thief! ſtop thief!

bawled out in double Pica Italics. The name of a ſhip

a ſhip to be ſold, or ſome choice article to be diſpoſed of, in

English Roman,

And as a further enforcement to attention, I have ſeen the figure of a hand, with a crier's bell in the act of ringing, advertiſing an auction of houſehold furniture. Every one ſtriving to be heard in preference by a ſuperior magnitude of types. At preſent there are none who roar out in louder, or blacker characters, than the printers themſelves for

Rags.

There is no looking at the firſt page of the daily advertiſer without imagining a number of people hallowing and bawling to you to buy their goods or lands, to charter their ſhips, or to inform you that a ſervant or a horſe hath ſtrayed away. For my part I am ſo poſſeſſed with this idea, that as ſoon as I take up the paper of the day, I turn over to articles of Intelligence as quick as poſſible, leſt my eyes ſhould be ſtunned by the

occular uproar of the firſt page. For I am a peaceable man, and hate nothing more than the confuſed noiſe of a mob.

My project, then, conſiſts in this, that the printer in compoſing any work ſhould adapt the ſize of his types to the ſpirit of his author, ſo that a reader may become, in ſome degree perſonally acquainted with a writer whilſt he is peruſing his work. Thus an author of cool and equable ſpirits might take

Bourgeois Roman

for his medium, and would probably never riſe higher than

Great Primer;

whilſt a paſſionate man, engaged in a warm controverſy, might thunder away in

French Canon.

It follows of courſe that authors of great vigour, ſhould be charged higher than meek writers for printing a work of the ſame length, on account of the extraordinary ſpace their performances muſt neceſſarily occupy; for theſe gigantic, wrathful types, like ranters on a ſtage, or Burgoyne at Saratoga, will demand ſufficient elbow room.

For example—ſuppoſe a newſpaper quarrel to happen between M and L*

M begins the attack pretty ſmartly in

Long primer.

L replies in

Pica Roman.

M advances to

Great Primer.

L retorts in

Double Pica;

and

* Leſt ſome ill diſpoſed perſon ſhould maliciouſly miſapply theſe initials I think proper to declare that M ſignifies *merchant*, and L Lawyer.

and at laſt the conteſt ſwells up to

Raſcal,
Villain,
Coward,

in five line pica; which indeed is as far as the art of printing or a modern quarrel can conveniently go.

A philoſophical reaſon might be given to prove that large types will more forcibly affect the optic nerve than thoſe of a ſmaller ſize, and therefore become mechanically expreſſive of energy and vigour; but I leave this diſcuſſion for the amuſement of the gentlemen lately elected into our philoſophical ſociety. It will ſatisfy me if my ſcheme ſhould be adopted and found uſeful.

I recol-

I recollect a caſe in point; ſome few years before the war, the people of a weſtern county, known at that time by the name of the *Paxton boys*, aſſembled on account of ſome diſcontents, and came down in great numbers, with hoſtile intentions againſt the peace of government, and with a particular view to ſome leading men in the city. *Sir John St Clair*, who had aſſumed military command for the defence of the city on this occaſion, met one of the obnoxious perſons * in the ſtreet, and told him that he had ſeen the manifeſto of the inſurgents, and his name particularized by letters "*as long as my fingers.*" The gentleman immediately packed up his moſt valuable effects and ſent them with his family acroſs the Delaware for ſecurity. Had Sir John only ſaid, that he had ſeen his name mentioned in the manifeſto, it is probable he would not have been ſo ſeriouſly alarmed; but the unuſual ſize of the letters was to him a plain indication that the inſurgents were determined to carry their reſentment to a proportionable extremity

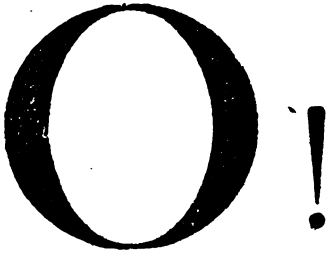
I could confirm my ſcheme by innumerable inſtances in fact and practice. The title page of every book is an example. It announces the ſubject treated of in conſpicuous characters; as if the author ſtood at the door of his edifice, calling out

to

* Iſrael Pemberton.

to every one to enter and partake of the entertainment he has prepared; and ſome even ſcream out their invitation in red letters.

THE journeymen printers have alſo a cuſtom founded on the ſame principles. They diſtinguiſh every ſheet of printing by a letter of the alphabet, which may be ſeen at the bottom of the firſt page of every ſheet in any book. When they have proceeded in this alphabetical enumeration as far as the letter O, they are ſure to ſend the editor a proof ſheet with an



as big as a dollar; intimating, that the fatigue and labour they have gone through is ſo great, as to make them cry aloud for ſome gratuitous refreſhment.

IT was reſerved for me to improve theſe hints into a project of general utility. It is indeed high time that ſuch a ſyſtem ſhould be formed and divulged.

vulged. For what, alas! are a few *Capitals* and *Italics* in the hands of a vigorous author? and yet theſe are the only typographical emphatics now in uſe. In perſonal altercations, nature has furniſhed ample means of expreſſion. The muſcles of the face; the motion of the eyes; the action of the body; the limbs, and even the hands and fingers —all unite in enforcing the feelings of the ſoul, and giving additional expreſſion to language—Let art do the beſt ſhe can in caſes where theſe natural ſigns of ſentiment cannot be diſplayed.

It is truly lamentable, and has given me much concern, to obſerve with what langtor a late religious diſpute, and alſo a late law controverſy, have been conducted; not for want of a proper ſpirit in the combatants, but merely for want of ſufficient vehicle of rage and reſentment.

For theſe reaſons I hope my propoſed improvement in the art of printing will be eagerly adopted by gentlemen diſputants, and no leſs ſo by the gentlemen printers: as the one will find a new and comprehenſive field opened for the exhibition of their refined ſentiments, exquiſite ſenſibilites, and energy of thought; and the other derive no ſmall emolument from the advanced prices which they may reaſonably charge for printing

printing the controverſial eſſays, and vigorous effuſions, of men of ſpirit and high education.

I am, I confeſs, enamoured of my project, and heartily wiſh ſome quarrel, may ſoon take place and ſwell even high as high as

Five Line Pica,

that the whole ſyſtem of typographical expreſſion may be diſplayed in one energetic example, and the utility of my project fully manifeſted—Juſt as Mr —— of the humane ſociety, anxiouſly waited, and I believe ſecretly wiſhed that an accident might happen to evince the efficacy of a grappel he had contrived

contrived for diſcovering and drawing up drowned bodies.

Leſt, however, ſuch a quarrel ſhould not ſpeedily occur

I hereby give public notice

(in Engliſh Roman N° 1.) that having nothing elſe to do, and having no wife or child to lament the conſequences of my folly, I propoſe to take up any gentleman's diſcontent, animoſity or affront, and to conduct the ſame in public conteſt againſt his adverſary as far as

Great Primer,

or even

French

Canon,

but

but not further, without the ſpecial leave of the original proprietor of the quarrel, provided; however, that the diſpute began in

Bourgeois Roman

for if it originated only in

Pearl,

Nonpareil,

or

minion,

I ſhall hardly think it worth my notice.

To ſhew that I am in earneſt in this offer, I ſhall leave my addreſs with the printer of this publication, that any gentleman quarreller may readily find a champion for the cauſe which he does not chooſe to championize himſelf.

I axiouſly wait the iſſue of this my propoſed ſcheme; not without ſanguine hopes that it may prove the lucky hit I have been ſo long purſuing,

and procure me that public renown and popular favour, which, hitherto, I have in vain laboured to acquire.

July 1786. PROJECTOR.

OBSERVATIONS OF A FOREIGNER ON THE *JURY TRIALS* OF *ENGLAND*.

COMMUNICATED IN A LETTER TO HIS FRIEND.

London, Feb. 15, 1784.

DEAR COUNT,

I Informed you in my laſt of the rout I took to arrive at this great city. I deſcribed as well as I could, the places I paſſed through; the manners of the people; the incidents that occurred; and the impoſitions to which I was obliged to ſubmit. I hope my letters got to hand; not only becauſe they coſt me no ſmall trouble to write—by *trouble*, I mean

mean confinement, which you know I hate—but becauſe I think they will afford you ſome amuſement.

WELL—here I am, and here I have been ſince the beginning of December laſt. I have ſeveral times attempted to continue my narrative and opinions for your entertainment, according to promiſe, but could not find myſelf diſpoſed to ſit long enough for the purpoſe. At preſent I am neceſſarily confined by a ſevere cold; and to this indiſpoſition you are indebted for the letter I am now going to write. You will ſincerely wiſh me better health, when you ſhall know the dulneſs of the ſubject I have undertaken.

YOU will reaſonably expect ſome account of the polite amuſements of this metropolis—the manners and taſte of the faſhionable world—their theatres, concerts, Ranelagh, Pantheon, &c. &c. &c. But no; I will give you theſe ſome other time. At preſent I have a very different object in view, which has happened to engage much of my attention; and, as I always ſit down to write what I think, not to think what I ſhall write, I muſt take the ſubject which impreſſes my mind at the time, or not write at all.

THE great queſtion—"*What is the beſt form of government?*" ſeems as far from being determined as ever; the politicians of different nations not having come to any compromiſe on this important ſubject. The reaſon, I ſuppoſe is, becauſe no form of government can be deviſed that ſhall neceſſarily involve in itſelf the happineſs or unhappineſs of the people. There is, in fact, no mechanical affinity between theſe two objects. The multitude are happy or not, according to their ideas of the government by which they are reſtrained; and theſe ideas are not the produce of ſpeculative knowledge, but are derived from the prejudices of education: whilſt the more enlightened judge of government by the manner in which its powers are exerciſed and juſtice adminiſtered. So that inſtead of determining on the happineſs of a people by the nature of their political conſtitution, we ſhould reverſe the poſition, and judge of their political conſtitution by its effects on the people; or, in other words, that is the beſt government which is beſt adminiſtered. This truth ſeems to be generally admitted by writers on the ſubject. The purſuit now, is not for a form of government that ſhall neceſſarily and mechanically make the people moſt happy; but for ſuch a conſtitution as may be moſt effectual in ſecuring them from being made miſerable.

GREAT-

Great-Britain is, I believe, the only nation that hath fairly tried the experiment. All other governments, that I know of, have certain deſignated characters: they are either deſpotic, monarchical, ariſtocratical, or democratical. But the Engliſh conſtitution is none of theſe, and yet partakes of the nature of each. Their writers tell us, that by mixing the forms, they enjoy all their reſpective advantages, and that they reciprocally check each other, ſo as to counteract all their peculiar dangers and inconveniences.

All this is made very clear in theory; but if we attend to facts, we ſhall find that the ſcheme does not fully anſwer the great purpoſes it ſeems to promiſe. Their hiſtory is a proof; wherein we ſee perpetual ſtruggles between the crown and the people for encroachments of power on the one hand, or an extenſion of privileges on the other: and their annual publications, and frequent changes of men in office, in modern as well as ancient times, ſhew them to be ſubject to all the evils of faction and inſtability. The truth is, that ſo nice an adjuſtment of ſo complicated a machine—ſuch a due proportion of ſtrength in the component parts that they ſhall not interfere with or impede each other —ſuch an accurate diſpoſition of heterogeneous powers, that each ſhall naturally find out its own

ſpecific gravity, and reſt in quiet, can only exiſt in theory; the paſſions of mankind will ever prevent its continuance in fact.

Don't be alarmed: I am not going to diſcuſs this intricate ſubject at large; I wonder how I got ſo far into it: I have neither leiſure, inclination, or ability to purſue it. I had fixed my attention only on one particular part of the Engliſh conſtitution, on which I mean to give you my ſentiments; and reſpecting this, I have been for ſome weeks paſt making aſſiduous and minute enquiries—I mean the *adminiſtration of juſtice by grand and petit juries.*

I muſt firſt give you as conciſe a detail as I can of this eſtabliſhment, that you may the better underſtand my obſervations upon it.

Grand juries are only made uſe of in caſes of criminal proceſs, or public offence; *petit juries* in all caſes of trial, whether for a breach of the laws, for private wrongs, or property in diſpute.*

The ſheriff of the county or diſtrict, in purſuance

* There are ſome ſpecies of trials in England, where juries are not concerned; but it is not neceſſary to enumerate them here, as my preſent object is only the trial by juries.

ance of a writ directed to him by the judges, makes out a liſt of 24 honeſt and ſubſtantial free-holders, that is men of character, who poſſeſs a real or landed eſtate in the county. To each of theſe he ſends a written or printed notice to attend the court on a certain day. If the ſheriff does his duty, theſe ought to be men moſt reſpectable for property, integrity, and abilities; ſo that poverty may not induce them to a corrupt abuſe of their office, or ignorance lead them to an abſurd exerciſe of it.

NOT leſs than twelve, or more than twenty-three, are competent to the formation of a grand jury. Generally from fifteen to eighteen are conſidered as a ſuitable number.

WHEN theſe are convened in court, the oath of office is adminiſtered to them, which is a very ſtrict one. They ſwear that they will not accuſe any perſon for hatred or malice; or ſuffer any offender to eſcape unaccuſed from any favour or affection, or hope of reward. Thus qualified they retire to any apartment they pleaſe to perform the duty the law hath aſſigned to them.

THEY are called the *grand inqueſt* for the county: becauſe it is their buſineſs to enquire of all offences that may have been committed within that diſtrict,

diſtrict, and preſent them to the notice of the court. They are to receive information from every ſource; but particularly from the officer called the *king's attorney*, or the proſecutor in behalf of government. The bills of accuſation are all framed by this officer, who ſends them to the grand jury for enquiry, together with the witneſſes in ſupport of the bills.

THE jury then proceed to make a careful inveſtigation of the charge, to examine the witneſſes, and conſider the whole matter in a large and liberal view; but the accuſed perſon is not ſuffered to appear and make his defence, this not being the time aſſigned for that purpoſe.

IF the grand jury, or a majority of them, find ſufficient cauſe to believe that the party is guilty of the crimes alledged againſt him, their foreman, in behalf of the whole body, endorſes on the bill *billa vera*, or *a true bill;* if otherwiſe, he endorſes the word *ignoramus*, as much as to ſay, this charge may be true, but we do not know that it is ſo. The rejection of a bill by the grand jury does not operate as an acquittal; for the party may be again indicted for the ſame offence, if fuller teſtimony in ſupport of the accuſation can afterwards be procured.

THE bills, thus endorſed, are brought into court and delivered to the judges. The party againſt whom the bill is found (as it is called) muſt be then ſent for, and perſonally appear in court. If this cannot be done, the trial muſt be put off till he can be taken and brought to anſwer.

WHEN the accuſed perſon appears, the bill, now called an *indictment*, is diſtinctly read to him by the clerk of the court, who peremptorily demands of him whether he is *guilty* or *not guilty* of the charge as laid in the indictment. If the party abſolutely refuſes to anſwer, the court cannot, according to the ſtrict rules of common law, proceed againſt him; becauſe he does not voluntarily ſubmit his cauſe to that juriſdiction, by aſſenting to or denying the accuſation: for the law does not allow that any court hath an official power to determine on a man's life or property, unleſs by his own act he conſents, or ſeems to conſent, to ſubmit himſelf to its juriſdiction; and this is ſuppoſed to be done by his entering his plea, that is, by acknowledging or denying the charge brought againſt him.

THERE have been inſtances in former times of perſons ſtanding *mute*, and refuſing to plead to the indictment; to remedy which, a moſt abſurd and barbarous practice was admitted to enforce an anſwer.

ſwer. The party was taken to priſon, and laid upon his back, naked, on the floor of a dungeon, his arms and legs were tied by four cords to the four corners of the dungeon: he was ſparingly fed with the moſt coarſe and ordinary bread that could be got, and drink brought him from the neareſt kennel; a weight was alſo laid upon his breaſt, and a like weight daily added, until, by his intolerable ſituation, he was compelled to anſwer *guilty* or *not guilty*. This operation is called in their books *paine forte & dure*. But this ſavage proceſs is now obſolete: and it is declared by ſtatute, that ſtanding obſtinately mute ſhall be an equivalent to a confeſſion of guilt, and ſentence ſhall be paſſed accordingly. The caſe never occurs now. The priſoner generally pleads *not guilty*, and is thereby ſaid to join in iſſue, and put himſelf upon his trial. If he is a ſtranger, or ſo poor that he cannot engage an advocate to aſſiſt him in his defence, the judges always aſſign him council, and allow him ſome ſhort time for preparation.

When the day of trial comes, the priſoner is again ſent for to court; for it is eſſential to the proceſs that he ſhould be perſonally preſent during the whole buſineſs. The ſheriff hath previouſly ſummoned a number of perſons to ſerve on the *petit jury*. Twelve perſons, and no more, are neceſ-

ſary

ſary for this purpoſe; but he generally returns forty-eight or more names to the court, according to circumſtances, becauſe the accuſed hath a right to make many objections. Theſe names are called over in court, and the perſons who appear are preſented one by one before the priſoner, who is deſired to look at him, and ſay whether he has any objection to his being one of the jury which is to determine his fate. If the crime charged is capital, the priſoner has a legal right to *challenge peremptorily* twenty of the perſons offered for jurymen, that is, to ſet them aſide from caprice, from a diſlike to their countenances, or any other ſecret motive, without giving any reaſon for his ſo doing; and he has, moreover, a right to challenge or object to as many more as he can give ſufficient reaſons for rejecting: ſuch as the perſon offered being in any degree intereſted in the event; his having prejudged the matter, by declaring his opinion in converſation; his having heretofore been convicted of perjury, with many other cauſes of legal diſability.

When this inveſtigation is gone through, and twelve unexceptionable perſons appear, who have all been ſworn, *well and truly to try the cauſe depending, and a true verdict give according to the evidence*, they are put together in a convenient place,

place, to hear the whole matter, and muſt not ſeparate until a final deciſion is given; nor muſt any perſon whiſper or ſpeak to them (except when they aſk queſtions of the court or of the witneſſes) or deliver any meſſage or writing to them; any of theſe happening would vitiate the whole proceſs. Yet the judges, the lawyers employed, or the priſoner, may addreſs them aloud in open court. If a juryman ſhould have occaſion to retire during the trial, he muſt aſk leave of the court, and a conſtable muſt attend him the whole time of his abſence, and the proceedings muſt be ſuſpended till his return.

THE trial commences by the king's attorney* reading the indictment aloud to the jury: after which he produces his witneſſes in ſupport of the accuſation. Theſe witneſſes muſt all be examined on oath, and deliver their teſtimony *viva voce* in the preſence of the priſoner, and of the whole court. After the king's attorney hath done with a witneſs, the advocate for the priſoner croſs examines him: he aſks him queſtions which may tend to embarraſs him: he preſſes him as to the certainty of his knowledge: he endeavours to make him contradict himſelf; or ſay ſomething that may indicate paſſion

* Or the clerk of the court for him.

paſſion or intereſt; and exerciſes every art that may tend to invalidate his teſtimony, or weaken its force. If theſe manœuvres, however, are carried too far, the judge will, or ought to, interfere, and check a too great licentiouſneſs in the treatment of a witneſs. When the king's attorney hath produced all his teſtimony, he addreſſes the jury; he recapitulates what the witneſſes have advanced; he enforces the law, and applies it to the preſent caſe; and ſupports his arguments by authorities from the books reſpecting caſes of the like nature.

THE council for the priſoner then produces his witneſſes in behalf of the accuſed, who are alſo ſeverally croſs examined by the king's attorney. When the whole of the teſtimony has been exhibited, of which the judges and the council take notes in writing, the lawyer for the priſoner begins his defence: he dwells upon, and enforces every favourable circumſtance: he endeavours to invalidate or throw doubts upon the proofs againſt him: he labours to explain away the law, and finally addreſſes himſelf to the tender feelings of the jury. He muſt now diſplay the whole of his abilities, for he is not allowed to ſpeak again. The king's attorney then replies; he obviates the objections that have been made, either to the teſtimony or to his

his ſtatement of the law; he points at the weakneſs of the defence; and enlarges upon the proof againſt the priſoner; and, laſtly, ſubmits the whole matter to the determination of the jury.

THERE is then a cuſtomary, but not a neceſſary, indulgence allowed to the priſoner in capital caſes: and this I think a very pathetic part of the proceſs. The accuſed perſon has been all this time a ſilent ſpectator of the proceedings; but he is now permitted to addreſs the jury himſelf, and tell his own ſtory in his own way.

THIS, conſidering his critical ſituation, is certainly a very intereſting part of the ceremony; eſpecially if the party is indeed innocent of the crime alledged, but labouring under a combination of unlucky circumſtances and untoward appearances. I have been more affected by the ſimple narrative of the priſoner himſelf, than by all the finiſhed eloquence of the council who undertook his defence.

AFTER this, the judge ſums up the whole of the teſtimony to the jury: he omits unneceſſary details, and brings pointedly into view all thoſe circumſtances which are of any importance either for or againſt the priſoner: and opens and explains

plains the law, if in the leaſt doubtful, and often inſtructs the jury what determination they ought, in his opinion, to give.

THE jury, being now charged with the whole matter, are conducted to ſome private apartment, where they are ſhut up, and a conſtable is placed on the out ſide of the door; and there they muſt remain, ſecluded from all external communication whatever, without meat, drink or ſuſtenance of any kind until they ſhall have *unanimouſly* agreed in their judgment. Any *one* diſſenting voice will annihilate the verdict or deciſion. When they have all agreed, they give notice thereof to the conſtable at the door, who immediately ſends information to the judge. The court, if not then ſitting, forthwith convenes, and the priſoner is again ſent for; for it is abſolutely neceſſary that the verdict ſhould be given in his preſence. The jury then come into court, and the clerk having called over their names, to ſhew that none are miſſing, aſks them if they have agreed in their verdict?—they anſwer in the affirmative. He then demands of them, whether the priſoner is *guilty* or *not guilty* of the crime with which he ſtands charged?—to which the foreman of the jury, in behalf of the reſt, anſwers *guilty* or *not guilty*, as the caſe may be. This the clerk immediately records

cords; and then deſires the jury to attend to their verdict, as the court hath recorded it, demanding aſſent, which is again given.

THIS determination is called a *verdict*, or *vere-dictum*. Becauſe the law preſumes that whatever twelve impartial men, ſo ſelected, ſo ſworn, and ſo inſtructed, ſhall, with united voice, declare, muſt inevitably be the truth: neither will the law ſuffer a verdict, ſo given and recorded, to be afterwards doubted or conteſted.

IF the priſoner has been found *guilty*, the judge aſks him what he has to ſay why the ſentence of the law ſhould not be pronounced againſt him? For, even in this laſt ſtage, the priſoner may, if he can, ſhew ſome defect in the proceedings, ſome uncertainty in the indictment, or other irregularity of force ſufficient to arreſt the judgment. For when the law preſumes that the jury have delivered the truth, it ſuppoſes the whole proceedings to have been fair, regular and legal; otherwiſe the verdict is not founded on ſuch a baſis as the law requires, and therefore is not that legal uncontrovertible truth it looks for. If the priſoner has no ſuch plea to make, judgement is pronounced againſt him; and he has no chance left but that of the king's pardon.

THERE are ſeveral minutiæ in this proceſs, and ſome exceptions which I have omitted; but the above is the general outline of trial in criminal caſes.

IN diſputes about property, and actions for damages, the ſame principle pervades the conduct of the ſuit; that is, to give the accuſed perſon all poſſible opportunity of defence. In civil cauſes, however, there is no grand jury; neither of the parties have a right to make peremptory challenges; and the jury are not ſo rigidly treated as in caſes of life and death; yet their determination or verdict muſt be *unanimous*, as in the former caſe; and there is no reverſing their verdict, but by diſcovering ſome error in the proceedings, or ſome fraud or corruption in the jury

SUCH is the mode of adminiſtring juſtice in this country. A ſyſtem which is deemed the palladium of Britiſh liberty, and the ſubject of perpetual panegyrick. And no wonder; ſince, as a ſyſtem, nothing can be more perfect; inaſmuch as it is calculated to ſhield the pooreſt individual in the community againſt the ſecret ſtrokes of wealthy malice, or the open violence of overweening power.

But I have given you a delineation of what the practice ought to be, not what it may be. If the ſeveral parts of this machine ſhould in all inſtances operate according to their reſpective deſtinations, and no further, it would be very difficult for a guilty perſon to eſcape, and next to impoſſible that an innocent man ſhould ſuffer: and in conteſts about property, there would be the greateſt reaſon to expect that impartial and ſubſtantial juſtice muſt take place.

I could myſelf enlarge, with the zeal of an Engliſhman, on the external beauty of this admirable fabric, and its apparent ſtrength as a bulwark againſt oppreſſion. But let us now conſider the diſeaſes to which this conſtitution is liable, and how far the good purpoſes of an excellent theory may be evaded or perverted in the execution.

In the firſt place, the ſheriff ſelects and returns ſuch perſons as he pleaſes to ſerve on both juries: and here he has uncontrolled opportunity of gratifying his own partialities, if he has any, reſpecting the perſons to be tried, or the cauſe depending: for it matters not what private paſſions or prejudices the juries may have, provided they are *legally* unexceptionable; and popular governments are ſo ſubject to party rage, that ſuch partialities in the ſheriff may ſometimes be expected.

INDEED, it is not uncommon for people here to form a judgment of the iſſue of a doubtful cauſe, from a knowledge of the jury which is to determine it. It is to guard againſt the ſheriff's *packing* a jury, as it is called, that peremptory challenges are allowed in capital caſes.

WHEN the grand jury is formed, the judge always addreſſes them from the bench. This is called charging the grand jury, and ſhould, according to the original deſign, be no more than a general delineation of their duty, and the law definitions of the crimes and offences of which they are to make enquiry, and preſent to the juriſdiction of the court: becauſe theſe men being ſelected from the maſs of the people, are not ſuppoſed to be verſed in legal preciſion and niceties. But the judge often takes this opportunity of going farther: he inſinuates to them, that they may indict on mere *probable* teſtimony; that they ſhould attend only to the teſtimony in behalf of the proſecution, and have nothing to do with any witneſſes but thoſe whom the king's attorney ſhall ſend to them; and that if they find the bill, it will amount to nothing more than a kind of legal accuſation, which, if wrong, will be afterwards ſet right by the petit jury. But this is a deviation from the original conſtitution, which placed the grand jury at the firſt entrance

of the law to ſcreen the innocent from malicious proſecutions. For what with confinement, expence, and infamy, a man may be effectually ruined by the grand jury's finding a bill againſt him, although he may be afterwards fully acquitted by the petit jury.

THUS charged, however, the grand jury retire. Now it ſhould be conſidered that theſe are called off from their ordinary buſineſs to perform a temporary duty, not very agreeable in itſelf, and attended with no profit; but, on the contrary, ſomewhat expenſive. The ideas they have imbibed from the charge, have a great tendency to relax the binding force of their oath of office: their preſent duty is in the law line, and they do not pretend to underſtand law: but the judge who does underſtand it, has inſtructed them; and on his opinion they reſt the ſanctity of their oath, and the rights of their ſtation. When ſuch principles prevail, the real uſe of a grand jury is in a great meaſure ſet aſide, and the inſtitution becomes rather a burthenſome ceremony, than a real advantage.

THE judge has a manifeſt influence over both the grand and petit juries; but he muſt exerciſe this with moderation and diſcretion; for the people have in general a pretty juſt knowledge of

their

their fundamental rights; theſe they will ſuffer to be impaired through indolence, inattention, or perſuaſion, but will never ſuffer them to be directly violated or called in queſtion. The judge may inſinuate any thing, but if he openly aſſumes unconſtitutional powers over the jury, he is ſure to be oppoſed with invincible firmneſs. And when ever an open conteſt of this kind happens, the jury will certainly have the popular current in their favour, unleſs they ſhould be ſo notoriouſly in the the wrong as to preclude all defence of their conduct.

The petit jury, are now to be formed, or, as it is called, *impannelled*. And here again is a large field for contrivance and addreſs. In ſuits for damages or for property, great dexterity is exerciſed on both ſides for ſecuring proper men on the jury. So great are the apprehenſions of unfairneſs and diſadvantage in this particular, that it is common for the parties in the ſuit to demand that the cauſe ſhall be tried by what is called a *ſtruck jury*. When this happens the prothonotary, or clerk of the court, makes out a liſt of 48 good and lawful men of the county, and from this liſt the parties, or their attornies for them, alternately ſtrike out the names of ſuch as they do not approve until there are but 24 names left. Theſe

24 are ſummoned by the ſheriff to attend the court, and the firſt 12 of the number who ſhall make their appearance on the day of trial, and anſwer to their names, are to compoſe the jury who are to determine the cauſe.

AFTER the jury have been impannelled, have heard the teſtimony and the arguments, and the judge has ſummed up the whole matter, they retire to form their verdict. For this purpoſe, as I before obſerved, they are excluded from all external communication, ſuſtenance, or comfort. By theſe means they are compelled to make up a unanimous opinion or ſtarve, be the caſe never ſo doubtful or difficult. In this lies the principal fallacy of the ſyſtem; inaſmuch as it is next to an impoſſibility that twelve men, of various tempers, abilities and knowledge, ſhould freely and decidedly unite in judgment on a diſputable and uncertain caſe. The truth is, they ſeldom ſuffer any great extremities for conſcience ſake*. The laſt impreſſions they received came from the judge; his ſtation, his authority, his knowledge in the law, will give an almoſt invincible force to theſe impreſſions. And the reſult is, that nine times in ten, the verdict, eſpecially in civil caſes, is made conformably to his opinion.

THE

* "And wretches hang, that jurymen may dine." *Garth.*

THE deſignated legal power of an Engliſh judge is not very conſiderable; but the *official influence* he has over the determinations of juries, ſubjects, in a great degree, the lives and property of the people to his judgment or caprice. And this maſked power is the more dangerous; becauſe, if he ſhould be partial, unjuſt, or corrupt, his conduct is ſcreened by the intervention of the jury, the final deciſion being their verdict, not his.

BUT ſuppoſe the judge ſtates the caſe impartially to the jury, without making any attempt to bias their judgment; the conſequence is, that ſome leading man in the jury will bring over the reſt to his opinion, or ſome very obſtinate man wear out the patience of his fellows. There have been inſtances when eleven have agreed upon a verdict and the perſevering twelfth has compelled them to change their minds, and yield to the ſuperior ſtrength of his conſtitution. It often happens that a verdict is put to the vote, and the minority accedes to the opinion of the majority. But moſt commonly the verdict is determined by the advice of the judge, or the opinion of one of the jury of more reputed knowledge than the reſt. So that in diſputable caſes, it ſeldom, if ever, happens that the final verdict is that free, clear, and unanimous deciſion of twelve impartial men, under oath,

oath, which the law preſumes, and which the ſyſtem requires. If two or more of the jury ſhould be of contrary opinions, and neither will give way, no verdict can poſſibly be given in. In ſuch a caſe, which ſometimes occurs, there is but one remedy, which indeed is not countenanced by law, but ſuggeſted by neceſſity. It is this. The ſheriff, or ſome body for him, ſteals away one of the jury from the bar, ſo that when the clerk calls over their names, it is found that there are but eleven jurymen, and this invalidates all the proceedings. The buſineſs muſt be put off to another court, and the whole proceſs begun *de novo*.

If, when the verdict is given in, the judge ſhould not approve of it, he ſometimes takes the liberty of ſending back the jury to reconſider the matter; but if they perſiſt, he muſt finally ſubmit and record the verdict. But ſuch caſes ſeldom occur. In general the juries take their tone from the judge's charge. When they have given in their deciſion, they are diſcharged, and diſperſe, and are never after accountable for what they have done, unleſs in caſes of manifeſt corruption. It is with them, as with all popular bodies—the individuals never think themſelves reſponſible for what the whole have done.

In

In cauſes which do not ſo much depend upon expoſitions of law, ſuch as an equitable adjuſtment of long and intricate accounts, or ſatisfaction for injuries which cannot ſo well be aſcertained by legal teſtimony, it is cuſtomary for the contending parties to conſent in open court to a reference. Whereupon the judges nominate three or more indifferent perſons to hear and arbitrate the matters in variance. Theſe arbitrators are not compelled to be unanimous, neither are they ſubjected to the other reſtrictions of a jury. They meet when and where they pleaſe, they inveſtigate the buſineſs in their own manner, and in their own time, and finally ſend their award in writing to the court. And this award, when received and recorded, becomes the judgment of the court.

Arbitrations are liable to this imperfection. The arbitrators not having the opinion of the judge to reſt upon, not being reſtrained by rigid rules, being few in number, and moving in an enlarged ſphere of inveſtigation, are more pointedly and perſonally anſwerable, in reputation at leaſt, for the rectitude and propriety of their determination. In this ſituation, the general aim, in difficult caſes is, if poſſible, to ſatisfy both the contending parties, and ſo avoid the complaints or cenſures of either; and this they frequently ac-

compliſh by halving the value in diſpute between them, when it can be done; and thus ſubſtantial juſtice is done to neither.

ALTHOUGH the Engliſh law leans ſo ſtrongly in favour of the accuſed in criminal caſes, giving every reaſonable advantage to the party who is put upon his defence, yet the form of proceſs is ſo decided, and ſo well underſtood, that unneceſſary delays ſeldom occur; but this is far from being the caſe in civil actions, which are attended with ſo many complex circumſtances, forms, and delays, all which incur a conſiderable expence, that the plaintiff, unleſs in very plain caſes, ſuch as an undiſputed bond, or note of hand, had better put up with a ſmall injury or loſs, than to proſecute his ſuit, although in the end he ſhould prove ſucceſsful. For here the the law is ſo unreaſonably in favour of the defendant, and allows him ſo many dilatory pleas, cauſes of adjournment, and removals from court to court, that a wealthy wrong-doer, with the help of able council, may weary out the moſt equitable claimant by exhauſting his patience and his purſe.

WHEN an action is brought, the right or wrong of the caſe, or what is called the merits of the cauſe, never come into view till towards

wards the cloſe of the buſineſs. The only queſtion is, whether the plaintiff hath brought, and conducted his claim, according to the ſtrict forms of law, which forms are not ſettled by any code or determinate ſyſtem; but muſt be gathered from the authorities, that is, from the reports of former determinations when like points of proceſs have been conteſted. The intention of throwing theſe obſtacles in the way of juſtice is to prevent the plaintiff from over-reaching the defendant in any ſtage of the proceſs. But the evils attending this extreme caution are more than a balance to the dangers it is deſigned to obviate.

It would be in vain for me to give you the hiſtory of the many cauſes of delay that may legally occur in the purſuit of a manifeſtly equitable title to a tract of land, whole volumes would be inſufficient to the purpoſe; my preſent object only reſpects the mode of trial by jury, not the general practice of the law in this country.

The reſult of my obſervations amounts to this, that perfection is not to be looked for in human inſtitutions. The Britiſh form of government, as well as Britiſh juriſprudence, exhibits a ſpecious appearance of perfect ſecurity to the ſubject; but this perfect ſecurity exiſts only in the theory;

theory; the propoſed object of the ſyſtem is to enſure to the people all the good effects of wiſdom and integrity in their rulers and officers of juſtice; but wiſdom and integrity are abſolutely neceſſary to the due execution of the plan. So that the effects promiſed muſt in fact precede the operation; which is a political *petitio principii.*

In England, all laws are ſuppoſed to be made by the free conſent of the people, by means of their repreſentatives; and judical deciſions to be the verdict of twelve impartial men, unanimous in their opinions. Neither of theſe poſitions are ſtrictly true in fact. It is moſt notorious, that, in the firſt caſe, the members of parliament frequently purchaſe the voices of the people, and afterwards ſell their own and votes to the king or his miniſter; ſo that the king can almoſt always command a majority of parliamentary voices. And, in the ſecond caſe, the authority of the judge moſt commonly influences the verdict of a jury; ſo that in truth, the king makes the laws, and the judges execute them, whilſt the people only *ſeem* to do both;—and they remain content with this *ſeeming*, until adminiſtration becomes too manifeſtly oppreſſive and corrupt. When this happens they ſtruggle for original rights, by in-

inſurrections and revolutions; which is the popular remedy common to every government, when that government is ſo exerciſed as to become inſupportable.

THESE remarks may perhaps appear too ſevere, but they are founded in truth. A candid Engliſhman would acknowledge, that the imperfections I have pointed at, may, and ſometimes do, occur in their political ſyſtem; but he would urge, and with ſome reaſon too, that, all circumſtances conſidered, all evils balanced, and all inconveniences averaged, the conſtitution of his country is the ſafeſt and beſt yet deviſed for uniting theſe two difficult problems—*The ſecurity of the people's rights, with the dignity and vigour of government.*

I will readily acknowledge, that, upon the whole, juſtice is well admininiſtred in this country; but I believe this is more owing to the abilities and integrity of their judges, than to the infallibility of their ſyſtem. A bad judge might be a curſe to the people, without directly violating the legal rules of his official conduct.

FOR my own part, I am of opinion, that the happineſs of a people depends more upon their national

national character than their form of government. A truly enlightened people cannot be enſlaved; real deſpotiſm cannot be exerciſed, unleſs the maſs of the people are either ſtupidly ignorant, groſsly licentious and immoral, or extremely begotted. In the firſt caſe, they ſubmit to every impoſition, becauſe they know nothing of the rights of nature, or the origin of delegated power; in the ſecond, they become enervated by luxury, and indifferent to thoſe rights and privileges, of which they have rendered themſelves unworthy; and, in the third, their tyrant will take care to have the prieſthood on his ſide, and make the conſciences of his ſubjects the chains by which he will hold them in the moſt abject ſervitude; or, which is not improbable, the prieſthood will be themſelves the tyrants, and keep both the ſovereign and his people under a moſt rigid controul.

Of all the means by which a nation may be made miſerable, this laſt is the moſt wicked and moſt effectual. Freed from this ſervitude, a people cannot, in this age of the world, long remain either ſtupidly ignorant, or groſsly immoral; but inexorable bigotry and rooted ſuperſtition lock up the doors of knowledge and preclude reformation.

No

No nation was ever famous for advancements in arts and ſciences, for diſcoveries in the truths of nature which enlarge the mind, or the inventions of improvements, which add to the happineſs or convenience of mankind, whilſt they were compelled by the prejudices of education, or the rigour of the laws, to yield implicit faith and obedience to the prieſthood—Quere—Which was the moſt beneficial character to the world—the man who invented the *Spinning wheel*, or he who compoſed the *Athanaſian Creed?*

But I am wandering far from my ſubject, and have unexpectedly made my letter of an unreaſonable length. Had I foreſeen how far my diſſertation on jury trials would have led me, I ſhould probably not have undertaken it.

But what buſineſs have you or I with Britiſh juriſprudence? this queſtion never occured to me till now. If it had—I might have ſaved myſelf a deal of writing, and you much dull reading.

I ſhall leave this city in four or five weeks and paſs over to France. You may expect to hear from me, in a more entertaining ſtyle when I get to

to paris. Till then—Adieu! And believe me when I assure you that I am,

Dear Count,

Your, &c. &c. &c.

THE

☞ AN attack was made upon the Bank of North America, by a then prevailing party. *Mr. T. Payne*, author of a very popular pamphlet, which he publiſhed in the beginning of the late war, under the title of *Common Senſe*, took up his pen in defence of the Bank. This performance occaſioned the following ironical anſwer; which, however, was never publiſhed; as the ſucceeding houſe of aſſembly ſoon repealed the act for disfranchiſing that inſtitution.

THE REMARKS OF *UNCOMMON SENSE*

ON A LATE PAMPHLET ENTITLED

DISSERTATIONS ON GOVERNMENT,

THE AFFAIRS OF THE BANK, &c.

BY THE AUTHOR OF *COMMON SENSE*.

1785.

IT is ſaid of *Archimedes*, that he would have undertaken to move the globe of the earth, provided a place could be had whereon he might erect his machine. So it is with ſpeculative authors in every

ſcience. Grant them only a few firſt principles or *data*, ſo called, becauſe they muſt depend upon the reader's benevolence for admiſſion, being either not true in fact, or incapable of proof; I ſay, grant but theſe, and the ſubſequent reaſoning cannot eaſily be controverted. Give an ingenious author a point whereon to reſt the fulcrum of his argument, and he will move whole ſyſtems, phyſical, moral, or political.

THE manifeſt purpoſe of the pamphlet before me is to juſtify the *Bank of North-America* as a uſeful inſtitution, notwithſtanding that it hath been declared by act of aſſembly to be a pernicious corporation, and incompatible with the public ſafety; and to ſhew that the legiſlature had no legal right to deprive it of its charter; and alſo to cenſure and ridicule a reſpectable committee of the houſe, upon whoſe report the act for disfranchiſing the bank was founded.

IN order to prove that the aſſembly had no right to retract a charter once granted, without ſome legal forfeiture or breach of conditions on the part of the grantees, he reſts the fulcrum of his arguments on certain firſt principles of government. Now, if theſe firſt principles ſhould be found on examination to be laid on hollow ground; that is, that however

however true they may be in reaſon; they are not true in fact, it will follow, that the author, the pamphlet, the argument, and the bank of North-America, muſt all ſink together—Let us then take a ſhort view of this writer's ground work.

Common-Sense tells us, that in all governments there muſt be a ſovereign power ſomewhere, and that the repoſitory where this ſovereignty is placed is the firſt criterion of diſtinction between a deſpotic form of government and a free country: that in the firſt, it is poſſeſſed by an individual in hereditary right; in the ſecond, it is held by the people at large, and by them periodically aſſigned to their delegates or repreſentatives.

The fallacy of this ſuppoſed axiom conſiſts in his conſidering ſovereign power as a ſimple elementary principle; whereas it is manifeſtly diviſible into at leaſt two component parts: viz. *power*, conſidered only in reference to the act or thing done, or to be done; and *will*, conſidered as influencing and dictating the exerciſe of that power. For inſtance, in a mill, the *power* of grinding corn is in the ſtones, wheels, and movements of the machine; but the *will* is in the miller, who ſuperintends and governs its operations.

A mere act of *power* may be exerciſed without the concurrence of the *will*: and that there may be a *will*, without a *power* to carry it into effect, will not be denied. Now the true criterion of diſtinction between a deſpotic rule and the free government of Pennſylvania conſiſts in this; that in the former caſe, the *will* and *power* are both inherent in an individual and his ſucceſſors; whereas in Pennſylvania, the *power* of making laws is in the houſe of aſſembly; but the *will* that ſuggeſts, dictates to, and influences this *power*, is lodged with certain learned and worthy perſons, who are not members of that houſe, and who are not veſted with the power of actually making laws.

I begin to perceive that I have involved myſelf in a very difficult and ſubtle argument—I wiſh I may be able to make myſelf underſtood.

A majority of voices in the houſe of aſſembly have an undoubted right to order the ſeals of the commonwealth to be affixed to a bill which hath previouſly paſſed the forms of legiſlation. The ſeals being thus affixed, that bill becomes a law, binding on all whom it may concern, being citizens of the ſtate. Now this is a mere naked act of *power*, the authenticity of which does not at all depend on a genuine

genuine concurrence of *will* in thoſe who exerciſe it; for the *will* is either directly or remotely the offspring of the underſtanding; yet the law would be valid, although the majority that voted it into exiſtence, ſhould be totally ignorant of its principles and operation.

I will put a caſe, which I confeſs, is a very abſurd one; but it will ſerve to illuſtrate my argument.

SUPPOSE a conteſt ſhould ariſe reſpecting the true tranſlation of a paſſage in the original Hebrew bible; and that this difference of opinion ſhould occaſion ſuch hot diſputes and angry parties in the ſtate as to make it neceſſary for the legiſlature to interfere and determine the point. Suppoſe innumerable petitions *pro* and *con* to be laid before the houſe, and that at laſt a committee ſhould be appointed to *enquire* and report upon the merits of the queſtion. This committee having no knowledge of the Hebrew tongue will naturally apply to ſome learned men—heads of one of the parties, but not members of the houſe, who will tell them—"This is a buſineſs you do not underſtand—aſ-"ſemblymen never read Hebrew, they only read "newſpapers—but we will draw up a report for "you." The report is accordingly drawn up by

theſe learned men—the committee adopt it—they lay it before the houſe—a bill is drawn conformably thereto, and paſſed into a law, and ſo the queſtion is decided. Now, in this tranſaction there is a manifeſt ſeparation of the *will* from the *power*. The committee had the power of preſenting the report, and the houſe of paſſing it into a law; but neither the committee nor the houſe could poſſibly exerciſe any *will* on a ſubject of which they had not the leaſt knowledge or underſtanding. Their *will* might, indeed, be exerciſed in the ſervice of the party they wiſhed to favour, but not in the deciſion of the queſtion.

On theſe principles I venture to aſſert in vindication of a late committee on the affairs of the bank, againſt the aſperſions of *Common Senſe*, that, let their report be proper or improper, let the law paſſed thereupon be juſt or unjuſt, no cenſure can poſſibly lie againſt the committee, becauſe, ſome few inſtances excepted, no man is reſponſible for an act in which his *will* did not concur.

But the committee does not ſtand in need of this or any other defence: their report was perfectly juſt and proper, and exhibited an intimate knowledge of the conſtitution and tendency of the bank of North-America: as I ſhall fully ſhew when

when I come to enumerate the high crimes of the preſident, directors, and ſtockholders of our national bank.

SOVEREIGNTY being thus diviſible into *will* and *power*, the advantage of our free government conſiſts in this, that let who will exerciſe the *power* in the houſe of legiſlation, the *will* of government may be poſſeſſed by worthy and enterpriſing men out of the houſe, by which the labour of law-making is divided and becomes eaſy and advantageous.

ON this ſingularity in our political ſyſtem is founded a doctrine, not long ſince advanced by learned men, which, if eſtabliſhed, muſt fully anſwer the purpoſes of thoſe who diſcovered it, viz. that aſſemblies, juries, and ſuch confidential appointments are nothing more than LEGAL MACHINES,* deſigned to give legal ſanction to the views of thoſe, who from ſuperior abilities and official greatneſs, are beſt qualified to influence and direct them. It would be a ſtrange thing indeed if the mill ſhould grind what ſort of grain it pleaſed, and go, or ſtop, according to its own caprices.

THAT *Common Senſe* has taken a wrong ground of argument is plain from this. He gives a copy our

* See Vol. I. p. 205

our bill of rights, and from thence deduces his ſyſtem of reaſoning. It had been more to the purpoſe, if, inſtead of a bill of *rights*, he had given us a bill of *facts*. A bill of rights is a very uſeful thing in the commencement of a commonwealth; like leading ſtrings for a child it aſſiſts it in walking before it has ſtrength to go alone. But when the government is eſtabliſhed, what occaſion can there be for a bill of rights? When the houſe is built, the ſcaffolding ſhould be taken away. When the Ship is launched, ſhe leaves her former ſupports behind.

It may be aſked if the bill of rights and our frame of government are no longer to be regarded, where ſhall we look for a rule of conduct?

I anſwer, *precedent* will always furniſh ſufficient rules of conduct. In the commencement of a republic, it is plain there can be no *precedents*: all things are then new; and a bill of rights, and a deſignated conſtitution, muſt be the ſtandards of authority. As the republic advances in ſtrength and ſtability, *precedents* ſprout ſpontaneouſly, kill the roots of original rights, and in time occupy the whole ground. The only difficulty is to create and eſtabliſh the firſt precedent. This done, it will

will ſoon become a powerful engine. Like an anchor to windward, it will enable the ſkilful pilot to warp the ſhip againſt wind and tide. It will alſo prove very prolific; for a good *precedent*, like a good potatoe, contains within itſelf the eyes or germs of many future precedents or potatoes.

For example—In an early period of our political exiſtence it ſeemed no great impropriety that committees of the houſe of aſſembly ſhould take the opinions of the judges on queſtions reſpecting mere law-points. But this ſoon grew to a cuſtom of ſending not queſtions only, but the bills themſelves, to the judges for conſideration. Thus encouraged, their honours ſoon undertook to recommend, and even draw petitions to the aſſembly for or againſt meaſures which they wiſhed to promote or oppoſe; to frame reports for committees; and originated bills for the legiſlature; and to eſtabliſh, by *precedent*, an out-of-doors influence, ſo ſtrong as virtually to poſſeſs the *will* of government; leaving to the houſe of aſſembly the more *mechanical power* of enacting laws.

Thus hath a total change, in effect, taken place in our conſtitution. We began with a ſingle branch of legiſlation, and it is manifeſt that we have

have now three diſtinct branches, viz. an upper houſe, a lower houſe, and a legiſlative council. Our upper houſe, it is well known, meet at the ſtate houſe in Cheſnut Street; the lower houſe aſſemble at the Indian Queen in Market Street*, and the judges from the ſupreme court form the legiſlative council. This council, in conjunction with the lower houſe, is the repoſitory of the *will* of our ſovereignty, having a direct influence upon the acts of government whilſt under deliberation. And the council have, by *precedent*, acquired a ſeparate and excluſive right of *reviſing, altering, and amending*, the laws *after they have been enacted and publiſhed*. And thus hath our bill of *facts* introduced a form of government very different from that deſignated in our bill of *rights* and original conſtitution.

HAVING ſhewn, to ſatisfaction I hope, that *common Senſe* hath entirely miſtaken the preſent conſtitution of Pennſylvania, it follows, that all his

* The members of aſſembly, who at this time combined to form a majority in the houſe, uſed to meet in the evening at the Indian Queen, and there debate on queſtions which were to be agitated next day in the houſe. After debate, the queſtion was put to vote, and the then minority were to vote next day in aſſembly, not according to their own judgments, but according to this previous determination. Such was the compact between them. See Page 86.

his arguments, founded on what our ſyſtem of government *was*, inſtead of what *it is*, muſt fall to the ground. Amongſt theſe, the firſt in rank is a ſubtile diſtinction between an *act* and a *law*. The deſign of which is to ſhew that there are not two ſorts of juſtice in nature. That the ſame juſtice which binds individuals in a bargain, ſhould bind the public in contracts. That the aſſembly, as the repreſentative body of the people, have a right to make contracts with individuals, and that the party or parties contracted with, have an intereſt in the bargain, which they cannot juſtly be deprived of by a mere arbitrary change of opinion in the grantor. Becauſe, ſuch a contract is an *act*, and not a *law*, ſubject to repeal at pleaſure. And ſo applying this doctrine to the caſe of the bank, he infers that the aſſembly had no right to deprive that corporation of its character.

But the fallacy of this reaſoning will appear, by conſidering the facts and principles juſt ſtated; I mean the ſeparation of the *will* from the *power*, in the ſovereignty of Pennſylvania.

Suppose a remonſtrance to be made to the houſe of aſſembly, repreſenting, in ſtrong and plauſible terms, the injuſtice in thus depriving the bank

bank of its charter, without any legal conviction of its offence, or forfeiture on the part of that inſtitution; the natural anſwer would be, "the buſineſs of this houſe is determined by a majority "of voices; *that* majority is ſecured by the "lower houſe, and influenced and directed by the "legiſlative council. All the power we have is to "enact laws, but what thoſe laws ſhall be, depends "upon thoſe wiſe men who are in poſſeſſion of the "ſovereignty of *will*. If any thing ſhould be wrong, "we are not reſponſible, being nothing more than "*legal machines*. Go to thoſe who direct our "proceedings, and perhaps they may give you "ſatisfaction."

SHOULD application then be made to the lower houſe, and legiſlative council, they would ſay, "We have not the power to make laws, or to repeal them; we can neither give charters, nor "take them away; the ſeals of the commonwealth "are not in our poſſeſſion; the houſe of aſſembly is alone competent to your purpoſe."

AND herein conſiſts the excellency of our government, that let things go as they will, there is nobody to blame.

THE

The diſtinction between an *act* and a *law* made by *Common Senſe* has no real foundation; becauſe he places what he calls an *act* of aſſembly upon the footing of a grant or contract not revocable at pleaſure. But the binding force of all contracts depends upon a concurrence of the *will* and the *act*. And, therefore, a grant, bond, or bargain, executed under compulſions, reſtraint, or undue influence, is of no validity. Now, the *will* being ſevered from the *power*, in our ſyſtem of legiſlation, it is impoſſible that acts of government ſhould be no more than contracts. All acts of aſſembly are in fact *laws*, and as ſuch, liable to be reviſed, amended, or totally repealed, let *Common Senſe* ſay what he will.

In the caſe of a grant or charter under ſpecified conditions, there can be no doubt, but that the grantees are ſtrictly bound by the terms menmentioned; but, it would be beneath the dignity of government, that it ſhould be bound by any conditions whatever: *ſovereign power* ſcorns reſtraint.

I well recollect, that, in an argument held before a late houſe of aſſembly, reſpecting the bank, the advocate for thoſe who wiſhed to overturn that inſtitution, proceeded on the grounds and principles

I have

I have above ſtated. Much was urged in favour of the *power* of the houſe. The ſame *power*, he ſaid, that creates, can annihilate: it would be abſurd to ſay, that the legiſlature can *do*, but cannot *undo*; and ſo on. But, not a word of the juſtice or injuſtice, the morality, or immorality, of the tranſaction; for theſe concern the *will* and not the *power*, and were points on which the orator knew the houſe was not reſponſible, for the reaſons I have given above. I remember alſo, that I aſked a certain great lawyer *, at that time, whether he thought that houſe could repeal the law for emancipating negroes, and ſo make them ſlaves again? He anſwered, that it had a legal power ſo to do.

SINCE then all acts of the legiſlature are laws, and as ſuch may be altered or repealed at pleaſure, to what purpoſe has this author taken ſo much pains? Can a pamphlet invalidate a law of the land? Will our aſſembly-men be ruled by the dictates of *Common Senſe?* Will they ſuffer the ſovereignty of the ſtate to be bound in ſhackles? God forbid, that they ſhould ſo far forget themſelves their friends, and adherents.

LET

* The Ch—— J——.

LET us now take a ſhort view of the preſent ſituation of the bank. A learned and enlightened committee of the houſe of aſſembly, *after a fair and impartial enquiry*, have found and reported—"That the bank, as at preſent eſtabliſhed, is in "every view incompatible with the public ſafety" —and a law founded on this report, hath been duly enacted, taking from that inſtitution the charter which the imprudence of a former aſſembly had *granted and confirmed to it.* To what purpoſe then, I again aſk, has *Common Senſe* taken ſo much pains? This corporation, ſo far as it depends for exiſtence on the charter in queſtion, exiſts no more. This cannot be denied. Does this author expect that our preſent aſſembly ſhould work miracles, and raiſe the dead? He cries out againſt the illegality of the proceedings that disfranchiſed the bank; what good can this do? After a criminal has been executed, what purpoſe can it anſwer to to diſcover inſufficiencies in the court that convicted him, or irregularities in his trial? Will theſe diſcoveries bring the man to life, and give him the chance of a new and fairer trial? Surely not.

A corporation can have but *one* life, viz. a legal or political life; but an individual may have *two* lives, and may exiſt in one, though deprived of the other—that is, an individual may be alive and in health

health in *fact*, and at the ſame time abſolutely dead in *law*. An inſtance of this happened ſome time ſince in the county of York. At a court of common pleas there, an ingenious lawyer contrived to have a report brought into court, that the plaintiff, in a certain action then depending, had ſuddenly died. This report was circulated with ſuch probable circumſtances that nobody doubted but that the poor man was dead. The action of courſe abated by the death of the plaintiff, and it was ſo entered upon the docket. At the next court the plaintiff appeared in *propria perſona*, and complained loudly of the injury that had been done him by this falſe report: but the ingenious lawyer aforeſaid, roſe up and aſſured the court that the man was dead, notwithſtanding his impertinent intruſion there: and for the truth of this, he appealed to the entry on the docket; hoping that the court would not allow any teſtimony to be given in contradiction to a record, which, he obſerved, is the higheſt ſtandard of truth known in law.

Now, although an individual may enjoy a double or two-fold life—as is clear from this man's being capable of a double death, for the plaintiff certainly died over again—yet corporations having no real, but only a political exiſtence, can die but once. Well! then, the annulling the charter of

the bank, having deprived that inſtitution of its political life, ſo far at leaſt as it depended thereupon,* it neceſſarily follows that this bank is defunct, demiſed, deceaſed, and departed. And there is but one way left, that I know of, in which it can make its appearance amongſt us; and that is, by the walking of its diſcontented ghoſt.

Some have thought that the bank may ſtill be conſidered as politically exiſting, by virtue of the charter it holds under the Congreſs of the United States: but as this is a very nice queſtion, and replete with law learning, I ſhall reſerve it for future diſcuſſion in a chapter by itſelf. It only remains now to ſhew, that the bank has juſtly deſerved the fate it has found, by enumerating ſome of the manifold crimes and miſdemeanors it has committed, and the horrible dangers and evils to the ſtate with which that inſtitution was pregnant.

I cannot do this better than by following the ſteps of that enlightened committee, who may be ſaid to have been the jury which paſſed between the commonwealth and the bank on its life and death, under the ſacred ſanction of an oath of of-

* The bank had a charter from Congreſs, as well as from the ſtate of Pennſylvania.

fice. They have found facts, which, after verdict, ought not to be diſputed; that is to ſay—

* THAT the bank, as eſtabliſhed, is incompatible with the public ſafety. That, in the preſent ſtate of trade, it had a direct tendency to baniſh ſpecie from the country, and thereby accumulate it in the hands of the ſtock-holders. That this accumulation of enormous wealth in the hands of thoſe

* "THE committee, to whom were referred the petitions concerning the bank, eſtabliſhed at Philadelphia, and who were inſtructed to enquire, whether the ſaid bank be compatible with the public ſafety, and that equality which ought ever to prevail between the individuals of a republic, beg leave to report: that it is the opinion of this committee, that the ſaid bank, as at preſent eſtabliſhed, is in every view incompatible with the public ſafety. That in the preſent ſtate of our trade, the ſaid bank has a direct tendency to baniſh a great part of the ſpecie from the country, ſo as to produce a ſcarcity of money, and to collect into the hands of the ſtockholders of the ſaid bank, almoſt the whole of the money which remains amongſt us. That, the accumulation of enormous wealth in the hands of a ſociety who claim perpetual duration, will neceſſarily produce a degree of influence and power which cannot be entruſted in the hands of any ſet of men, whatſoever, without endangering the public ſafety. That, the ſaid bank, in its corporate capacity, is empowered to hold eſtates to the amount of ten millions of dollars; and, by the tenor of the preſent charter is to exiſt for ever, without being obliged to yield any emolument to the government, or to be at all dependant upon it. That, the great profits of the bank, which will daily encreaſe as money grows ſcarcer, and which already far exceeds

"the

thoſe very citizens who are inſtrumental in baniſhing wealth from the country, will neceſſarily produce a degree of influence and power which cannot be truſted in the hands of a ſet of men, not attached to the party whoſe intereſts the committee wiſh to promote, without endangering the very exiſtence of that party. That government had not received, nor was likely to receive, any advantage from this inſtitution; becauſe it could only

"the profit of European banks, have tempted foreigners to veſt "their money in this bank, and thus to draw from us large ſums "for intereſt. That foreigners will doubtleſs be more and more "induced to become ſtock-holders, until the time may arrive, "when this enormous engine of power may become ſubject to fo-"reign influence: this country may be agitated with the politics of "European courts, and the good people of America reduced once "more into a ſtate of ſubordination and dependence upon ſome "one or other of the European powers. That, at beſt, if it were "even confined to the hands of Americans, it would be totally "deſtructive of that equality which ought to prevail in a republic. "We have nothing in our free and equal government capable of "balancing the influence which the bank muſt create; and we "ſee nothing, which in the courſe of a few years, can prevent the di-"rectors of the bank from governing Pennſylvania. Already we "have felt its influence indirectly interfering in the meaſures of "the legiſlature. Already the houſe of aſſembly, the repreſenta-"tives of the people, have been threatened that the credit of our pa-"per currency will be blaſted by the bank. And if this growing "evil continues, we fear the time is not very diſtant when the bank "will be able to dictate to the legiſlature what laws to paſs, and what "to forbear."

borrow from the bank for public uſe, and not *ſeize* upon the ſtock whenever exigence, convenience, or the views of thoſe in power, require it. That, the profits of the bank being in money, muſt daily encreaſe, as money grows ſcarcer; and has already ſo far exceeded the profits of European banks, as to tempt foreigners to encreaſe this ſcarcity of money, by veſting large ſums in the bank, for which they only draw intereſt. That, foreigner after foreigner, may be thus tempted by our encreaſing ſcarcity of money, until all the ſpecie of Europe ſhall be accumulated in the bank; and then princes and ſtates will hold annual meetings for the election of a preſident and directors to manage this enormous engine of power: and ſo our country will be again agitated by European politics, and the good people of America, by poſſeſſing the wealth of foreign nations, will become dependant upon them. That even ſuppoſing no interference of foreigners, yet our own citizens being ſtockholders might in time, by baniſhing all the ſpecie from the country, become ſo enormouſly rich and powerful as to ſeize on the government of the ſtate, ſubvert the conſtitution, and give legiſlative authority to the preſident and directors of the bank.

AFTER this black catalogue of offences and poſſible

poſſible evils, who will ſay that the bank hath not juſtly merited political death? But beſides theſe pernicious effects, theſe fears and apprehenſions, other evil deſigns and abominable practices have been ſuggeſted againſt this inſtitution—ſuch as, that Mr. F——, once in every week, riſes at midnight, and with a dark lanthorn in his hand, enters the vaults of the bank through the ſubterraneous paſſage leading from the cellars of his own houſe into thoſe vaults; that he there meets *Belzebub and Blackbeard the pirate;* and that theſe three, ſitting upon boxes of money, hold conſultations, and conſpire againſt the peace and ſafety of the commonwealth. That one of the ſchemes of this infernal triumvirate is to bribe the *Algerines* with the money of the bank to ſeize upon all American veſſels, except thoſe in which R—— M——, eſq. is intereſted: and another is to change our republican form of government to a monarchy. In which caſe R—— M—— is to be king of Pennſylvania; T—— W——, eſq. viceroy; Mr. F——, chief juſtice, and all the clerks of the bank juſtices of the peace.

But as the committee, notwithſtanding *the ſtrict enquiry* they have made, have not found or reported theſe facts, I am inclined to think they may not be true. It would not be amiſs, however, that the aſſembly

aſſembly ſhould order Mr. F——'s cellars to be examined, and if the ſubterraneous paſſage ſhould be found, it will give probability to the ſuggeſtion; and then further enquiries might lead to a diſcovery of the whole plot.

A SPE-

A

SPECIMEN

OF A

MODERN LAW-SUIT.

OR

THE CONDUCT OF A COURT OF JUSTICE DISPLAYED;

INTENDED AS A MODEL FOR A NEW BOOK OF MODERN REPORTS: IN THE STYLE OF THE YEAR 1786.

IN SPECULO.

THE PREFACE.

IN a government profeſſedly *free*, that is a government of laws, binding on the whole by the conſent of legal repreſentatives of the whole, it ſeems neceſſary that not only the laws themſelves, but what is called the practice of the law, ſhould be better underſtood by the people at large.

IT is in vain for a perſon not verſed in the myſteries of the profeſſion to look into books of reports for the hiſtory of a trial at law. He may as well look for religion in the works of *Jacob Behmen*, or the practice of phyſic in *Ariſtotle*. He will find the ſubject matter concealed in technical jargon, and a cloud of artificial terms, to many of which profeſſors themſelves have not yet aſſigned a determinate meaning.

WHEN a law firſt iſſues from the hands of the legiſlature it is generally ſufficiently intelligible. It

is

is like metal from the ſmelting furnace. But when it has undergone the operations of a judicial forge, it aſſumes appearances very different from its firſt form. For law is the moſt malleable thing in nature, and what with the heat of conteſt and the hammers of legal forms, it ſoon becomes, in judicial conſtruction, no more like the original than a bar of iron is like the pig of metal from which it has been forged.

I think it would be of conſiderable uſe, that this proceſs ſhould be delineated at large; that the people may have an opportunity of knowing whether their own acts are executed according to their ſpirit and intent, and whether, what is called the common law, is fairly conſtrued and applied in their courts of juſtice, or not.

I know of no better way to effect this, than by recommending that all trials and law proceedings ſhould be publiſhed in detail, with as ſparing a uſe of mere profeſſional language as poſſible. The caſe in conteſt ſhould firſt be ſtated in as few and plain words as may be; and then ſhould follow the whole proceedings of the court; the arguments of council; the interferences and opinions of the judges, &c. all in *dramatic* form.

To elucidate my ſcheme, I will attempt the report of a caſe in the manner I think it ought to be done.

It is ſcarcely neceſſary to premiſe that the caſe I ſhall ſtate, the *dramatis perſonæ*, and other circumſtances, are altogether fictitious, and deſigned only as a mode for learned reporters in time to come.

SPECIMEN

SPECIMEN OF A MODERN LAW-SUIT.

THE CASE STATED.

LAWRENCE LANDLORD was ſeized in fee of 300 acres of land: that is, it was his own eſtate. He leaſed 100 acres thereof, together with a farm-houſe, barn, orchard, &c. to his neighbour *Timothy Tenant*, for a term of years, reſerving a certain rent, and covenanting for ſeveral ſpecific articles and privileges: amongſt theſe was the following.

"AND it is hereby further agreed by and "between the ſaid parties, that the ſaid *Timothy* "*Tenant* ſhall at all times, during the term of "this preſent leaſe, preſerve, keep, and ſet apart "for the uſe, benefit, and behoof, of the ſaid "*Lawrence Landlord*, the *apple-ſkins or parings* "*of all the apples uſed in the ſaid Timothy*

"Tenant's

" *Tenant's family; to the intent and purpoſe that* " *the ſaid Lawrence Landlord may therewith feed,* " *fatten, and raiſe up his pig or pigs* : Provided " always, that the ſaid *Lawrence Landlord*, by " himſelf or his ſervants, and at his own expence, " coſt and trouble, ſhall ſend for, fetch, carry, or " cauſe to be carried, away the apple-ſkins or par- " ings aforeſaid, for the purpoſes aforeſaid."

AND ſo it was, that under a conſtruction of this clauſe, and by advice of council learned in the law, *Lawrence Landlord* had ſent for and taken away the APPLES growing in the orchard of *Timothy Tenant*. Whereupon the ſaid *Timothy* brought his action of treſpaſs, and ſued for damages for the wrong and injury done.

THIS cauſe had been inſtituted in the common-pleas, and gone through the ceremonials of many terms. At length, all objections being obviated, and all cauſes of delay removed, the defendant finding that the trial muſt certainly come on, removed the cauſe, by *habeas corpus*, to a ſuperior court. After again waiting all reaſonable and unreaſonable adjournments, objections and delays, the argument came on in the ſuperior court, on Thurſday the day of A. D. 1786.

PRE-

TRESENT,

The judges in their robes, viz.
The honourable chief juſtice I,
Judge - - YOU,
Judge - - HIM,
with the officers of the court, counſellors of the bar, jurymen, &c. and a great number of idle citizens, idle apprentices, and blackguard boys.

(The crier opens the court.)

Ch. Juſ. *(Speaking to one of his brethren.)* Have you ſeen the papers of to-day?

Jud. YOU. I juſt caſt my eyes over them; but had not time to read any thing regularly through.

Ch. Juſ. Full of libels and abuſe! The printers have become ſo licentious, that it is high time to curb and reſtrain the preſs.

Jud. HIM. High time indeed. I wiſh the aſſembly would paſs a ſhort act, empowering the judges of the ſupreme court to ſuperintend the preſs, and licenſe publications. Government will never

never be reſpectable whilſt the preſſes are free; by free, I mean ſo licentious.

Coun. X. I wait the court's leiſure—

Ch. Juſ. Well! what's the buſineſs?

Coun. X. If your honours pleaſe—the cauſe marked for to-day, is *Timothy Tenant* verſus *Lawrence Landlord;* and I would move the court that the trial ſhould now come on.

Ch. Juſ. Let the jury be called—

Coun. X. If the court pleaſes—the jury are empannelled, and we are ready to proceed.

C. Juſ. Well! what is the title of this cauſe?

Coun. X. Timothy Tenant verſus Lawrence Landlord—action on the caſe—

Ch. Juſ. HAND me a ſheet or two of paper—Well! go on——

Coun. X. May it pleaſe your honours! and you, gentlemen of the jury!—In this cauſe I am council for the plaintiff. It is an action of treſpaſs, and the cauſe of action is ſet forth in the declaration, which

which ſtates; that on the 10th day of October, in the year 1783, Lawrence Landlord, the defendant, did with his ſervants and accomplices, enter the demeſne of the plaintiff, and with force and arms, and ſo forth, then and there did take and carry away one buſhel of apples, the property of the plaintiff, and of the growth and produce of a certain orchard, which then was, and ſtill is, in the rightful tenure, poſſeſſion, and occupancy, of the plaintiff; by virtue of a certain leaſe or contract, the term of which was not then, nor is yet, expired.

If the court pleaſes, I ſhall proceed to eſtabliſh the facts, by exhibiting a copy or counterpart of the leaſe, and producing witneſſes to prove the wrong and injury done.

Coun. Z. May it pleaſe your honours! we will ſave the gentleman the trouble, and the court their time and attention, by demurring to the teſtimony offered. We admit the facts, and ſhall reſt our defence upon the legal conſtruction of the clauſe in the leaſe, which reſerves to Lawrence Landlord all the *apple-ſkins* or *parings*, and ſo forth; and ſhall ſhew moſt clearly, that both by the intendment of the parties, and the very words of the contract, all apples growing on the premiſes were reſerved to the uſe of the leſſor.

Coun.

Coun. X. Here then, if the court pleaſes, we join iſſue. It is not pretended that we have in any inſtance violated the terms of our leaſe, or incurred any forfeiture. The clauſe in conteſt is in theſe words: "And it is hereby further agreed by and "between the ſaid parties, that the ſaid Timothy "Tenant ſhall at all times, during the term of this "preſent leaſe, preſerve, keep, and ſet apart, for "the uſe, benefit and behoof the ſaid Lawrence "Landlord, the apple-ſkins, or parings, of all the "apples uſed in his, the ſaid Timothy Tenant's "family, to the intent and purpoſe, that the ſaid "Lawrence Landlord may therewith feed, fatten, "and raiſe up his pig or pigs. Provided always," and ſo forth.

Now, it lies with the defendant to ſhew that there is no difference between the apple ſkins or parings, and the *apples* themſelves.

THE facts being admitted, no further opening of the cauſe is neceſſary. The court and jury will perceive the point on which it turns, viz. the conſtruction and legal operation of the clauſe juſt read. I ſhall wait for the arguments and authorities that may be produced on the other ſide, only obſerving for the preſent, that the injury we have ſuſtained hath been very grievous; the peace of our family

mily has been disturbed by strangers entering with a usurped authority, and snatching, as it were, the victuals from our mouth, and from the mouths of our children. And further, that if this right should be established in the lessor, we shall have lost not only the dumplins of that day, but all future dumplins, apple-pies and apple-puddings, during the term of our lease.

Coun. Z. May it please your honours! and you, gentlemen of the jury! In this cause wherein Timothy Tenant is plaintiff, and Lawrence Landlord defendant; I am council for the defendant. As there is no dispute about the facts, much time will be spared, and the argument brought within a narrow compass.

We are charged, gentlemen of the jury, with having, with force and arms, and so forth, taken certain apples from an orchard in the tenure of the plaintiff. Setting aside the literal meaning of those formidable words—*with force and arms*, which in this *pul-lace*, are mere forms of law, and therefore have no meaning at all. I say, setting aside these formidable words, we acknowledge and confess that we took certain apples from an orchard in the tenure of Timothy Tenant the plaintiff; and we contend, and we hope we shall be able to de-

monſtrate to this honourable court, by arguments moſt *cul-lear* and *pul-lain*, drawn from the *pe-ureſt* fountains of law, and ſupported by moſt reſpectable authorities, that we have committed no wrong whatever; no *bur-reach* of our contract; and that Timothy Tenant hath no rightful cauſe of *compul-laint* againſt us. And why? Becauſe we ſay, when we aſſigned this eſtate to the leſſee, we *expur-reſsly* reſerved the *fur-ruit* of this orchard to our own uſe, or rather to the uſe of our pig or pigs. And how will this appear? moſt *cul-learly* by attending to the clauſe in the leaſe, which is the object of our *pur-reſent* diſcuſſion.

THIS *cul-lauſe*, gentlemen of the jury, is in theſe words: "And it hereby further agreed by and between the ſaid parties," &c. &c. &c.

Now, may it pleaſe the court, here is a full and *com-pul-lete* agreement, covenant or contract, between the leſſor and leſſee.

AN *agur-reement*, gentlemen of the jury, is defined in law, *agregatio mentium de re aliqua facta vel facienda:* that is, a concurrence of will in the parties, reſpecting ſomething done or to be done; and a contract or covenant is an *agur-reement* ſubſtantiated and ſolemnized in full form of law.

Further,

Further, may it pleaſe the court, obligations ariſing from contracts are divided and diſtinguiſhed, *ex re*, from a thing done; *ex verbis*, from words; *ex literis*, from writing; and *ex conſenſu*, from conſent.

Now I ſhall *pur-rove* to the ſatisfaction of the court and jury, that the preſent contract is full and *com-pul-lete* in all theſe eſſential circumſtances; that is to ſay; *ex re*, *ex verbis*, *ex literis*, and *ex-conſenſu*. And, if ſo, we apprehend it muſt follow as *cul-learly* as a *pur-roblem* in Euclid, that the leſſor had a right to take the *apples* of the leſſee, and give them to his pigs. May it pleaſe the court, the *res*, *rem*, or *re*, in this contract, is the right reſerved by the leſſor to enter the *pur-remiſes* of the leſſee, and take away all the apple-ſkins or parings of apples, and ſo forth; the very words of the leaſe. Now, if the court pleaſes, how is this *res*, *rem*, or *re*, confirmed and eſtabliſhed? Why, *ex verbis* from the words of the clauſe, and *ex literis* from the letters which compoſe thoſe words; and the *ex conſenſu* is *cul-lear* beyond the poſſibility of a doubt, by the ſeals and ſignatures of the parties, ſolemnly executed in the *pur-reſence* of ſeveral ſubſcribing witneſſes.

I now come, if the court pleaſes, to prove by

ſolid argument, ſupported by a *cul-loud* of authorities moſt reſpectable in law, that by the word apple-ſkins and parings, *the apples* themſelves will paſs by *con-ſtur-ruction* of law and right reaſon.

Now, if your honours pleaſe, it is moſt *pul-lain* and manifeſt, that the apple ſkin cannot poſſibly be transferred, given or taken away, without the apple itſelf paſſing therewith. And why? For this *pul-lain*, and *cul-lear* reaſon, becauſe, if the apple-ſkin or paring be ſevered or ſeparated from the apple, it is no longer an *apple-ſkin*, but becomes, in its ſevered ſtate, only the *ſkin of an apple;* and ſo ſaith the law. Coke's Reports, Part II^nd^ page 225, "Severance of corn, is the cutting "and carrying it off from the ground; and ſome-"times, the ſetting out the tithe from the reſt of "the corn, is called *ſeverance:*" moſt *cul-learly* then, the cutting the ſkin from the apple, is a *ſeverance;* and ſuch a ſeverance as the law notices and recognizes. Gentlemen of the jury! I hope I am underſtood; this is a very important point. I ſay, there is a material difference between an apple ſkin and the ſkin of an apple. And, why? Becauſe a reſervation of the apple-ſkin is, by *conſtur-ruction* of law, a reſervation of the apple itſelf. And, why? For this *pul-lain* and manifeſt reaſon; becauſe, when the outward bounds, lines,

or

or limits; or, as the law expreſſes it, the *pars continens* of any matter or thing is *diſcur-riptively* conveyed, aſſigned, or reſerved, the internal parts of that matter or thing muſt alſo be conveyed, aſſigned, or reſerved, otherwiſe there would be an abſolute *ſeverance*, which the law abhors; for, it is an adjudged caſe, that tenants in common of a horſe cannot ſevere their property.

BUT, may it pleaſe your honours! I haſten to produce authorities directly in point: and firſt, if the court pleaſes, I will take up O'Farrell's Reports, page 106.

"MISTAKE *verſus* BLUNDER.

"THIS was an action on the ſtatute of *Pa-*
"*trick* 4th chap. 16. called *the ſtatute of nails*,
"which prohibits all ſubjects within the realm
"from cutting or paring their nails on a *Friday*:
"under the penalty of twenty ſhillings for every
"offence, to be recovered by the overſeers of the
"poor, for the uſe of the poor of the county in
"which the offence ſhould be committed. *Miſ-*
"*take* and others were overſeers of the poor for
"the county of *Antrim*, and brought their action
"under the ſtatute againſt the defendant. And
"it was in proof that the defendant had pared
"his thumb nails and his great-toe nails on Friday,

"to

" to wit : on Friday, the—— day of ——, at " twelve o'clock in the night of the ſame day.

" COUNCIL for the defendant demurred to the " facts ; obſerving, that as this was a penal law, " it ought to be ſtrictly conſtrued. And there- " upon, took three points of defence, viz. *Firſt*, " it was urged, that *night* is not *day*, and the ſta- " tute expreſsly ſays *Fri-day* and not *Fri-night ;* " and the proof is, that the cutting was at night. " *Secondly*, it was contended, that twelve o'clock " on Friday night is in fact the beginning of Sa- " turday morning, and therefore not within the " ſtatute. And, *thirdly*, that the words of the ſta- " tute are UNGUES DIGITORUM—Anglici—*the* " *nails of the* FINGERS, and the teſtimony only reſ- " pects *thumbs and great toes*.

" THE jury gave in a ſpecial verdict : whereup- " on, after long adviſement, the judges were una- " nimouſly of opinion, on the firſt point, that in " conſtruction of law, day is night and night is " day ; becauſe a day conſiſts of 24 hours, and " the law will not allow of fractions of a day *de* " *minimi non curate lex*—in Engliſh, the law don't " ſtand upon trifles. On the ſecond point, that " 12 o'clock at night, being the preciſe line of di- " viſion between Friday night and Saturday morn-

" ing,

" ing, is a portion or point of time which may be " conſidered as belonging to both, or to either, or " to neither, at the diſcretion of the court. And, " *thirdly*, that in conſtruction of law, fingers are " thumbs and thumbs are fingers, and thumbs and " fingers are great toes and little toes, and great " toes and little toes are thumbs and fingers; and " ſo judgment for the plaintiff."

Now, may it pleaſe the court, from this authority it is *moſt cul-lear*, that apple-ſkins are apples, and that apples are apple-ſkins. I am confident in ſaying that the ſmalleſt particle of doubt cannot remain in the *unpur-rejudiced* mind. But to make the matter ſtill more *cul-lear and pul-lain*, as if it were poſſible to demonſtrate *demonſtur-ration*, here is an act of aſſembly—an act of our own government, which brings the matter home to the very door of the *pur-reſent* caſe. Acts of aſſembly, printed volume, page 314. This, if the court pleaſes, is an act for laying an exciſe on cyder, and the words are " all apples or apple-ſkins."—Now the article *or* is in this place neither conjunctive nor disjunctive, but *pe-urly* explanatory: as if the law had ſaid, all apples—or, which is the ſame thing, all apple-ſkins.

Here, Gentlemen of the jury, the legiſlature hath declared itſelf on the very point before the court.

court. And it *is cul-lear* as the ſun at noon day when not a *cul-loud* is to be ſeen in the ſky, that apple-ſkins or parings and the apples themſelves are, in *conſtur-ruction* of law, one and the ſame thing. And it follows, as undeniably as a *pur-oblem* in Euclid, that when the preſent leſſor reſerved the apple-ſkins or parings, he, at one and the ſame time, reſerved the apples alſo for his uſe, or rather, as the contract *expur-reſſes* it, for the uſe of his pig or pigs.

For what would be the conſequence, may it pleaſe the court—what would be the conſequence of any other conſtruction? If the leſſee ſhould eat the apples himſelf, would this fatten the leſſor's pigs? Surely not—Would the dumplins and apple-pyes of the *pul-laintiff's* children fatten the defendant's pigs? Surely not—Would the cyder made by Timothy Tenant raiſe up the pigs of Lawrence Landlord? Surely not—Does the clauſe in the leaſe ſay that the tenant ſhall have all the apples, and leave only the ſkins of apples for the landlord? It ſays no ſuch thing.

With the leave of the court, I will put a caſe—Suppoſe a miller hath a ſack of meal: I aſk him what he will take for that ſack, and we agree for

for twenty ſhillings. After the agreement, and after I have paid the ſtipulated price, the *curraſty* miller may as well empty out the meal and give me the void ſack for my money, as that the *pul-laintiff*, in the *pur-reſent* cauſe, ſhould be entitled by this honourable court to eat the apples himſelf, and give only the ſkins of apples to the defendant.

GENTLMEN of the jury! this is a cauſe of *gurreat* magnitude, no leſs than determining by ſolemn adjudication the diſtinction between an apple-ſkin and the ſkin of an apple. But I have the fulleſt confidence that this enlightened court and jury, will ſee as *cul-lear* as the ſun when not a ſingle *cul-loud* intervenes, that the ſkin of an apple is or may be the ſkin of any apple; but an apple-ſkin is the ſkin of a known and determinate apple; annexed to and circumſcribing that apple; being in truth the *pars continens* thereof. As if one ſhould take an apple in his hand, and ſay—*this*, pointing to the part, (having cut the apple in half) is the apple ſeed—*this*, (ſtill pointing to the reſpective parts,) is the apple-core—*this*, is the apple pulp—and *this*, (ſtill pointing,) is the apple ſkin—the *pars continens* of the whole; and ſo, altogether, viz. ſeed, core, pulp and ſkin, make

up

up a full and *com-pul-lete* apple—or, as the law would expreſs it, an apple-ſkin *pars pro toto*—for the law delighteth in brevity.

MAY it pleaſe the court, I come now, in as few words as poſſible, to anſwer an argument which may be brought on the other ſide, founded on theſe words in the clauſe under conſideration: "Of all "the apples *uſed* in his the ſaid Timothy Tenant's "family." And here, moſt *pur-robably*, the gentleman of council for the *pul-laintiff*, will obſerve with his uſual ingenuity, that theſe words ſtrongly indicate a ſeverance to be intended. Otherwiſe, as he will ſay, how ſhall the apples be uſed in the family of the leſſee, if, under the term *apple-ſkins*, the whole, that is, both ſkins and apples are reſerved to the leſſor?

SUCH an argument might have weight with a leſs enlightened jury than that I have the honour now to addreſs. But let us *bur-ring* this ſeeming reaſon to the teſt of law, that unerring rule of right, that apex, ſummit, and perfection of human reaſon, and we ſhall ſoon ſee the miſt of error vaniſh, and the *cul-lear* ſun of truth *bur-reak* forth with unrivalled *ur-radiance*.

THE words are: "of all the apples *uſed* in his "the

" (the *pul-laintiff's*) family." We will now conſider, if the court pleaſes, the doctrine of USES, as laid down in the books. And here it is to be obſerved, that the *habendum* of every deed conſiſts of two limitations; the one of eſtate or property which the feoffee, or party poſſeſſive, ſhall receive by the deed; and the other the limitation of the *uſe* or *uſes*: that is, for whoſe uſe he ſhall hold the property: by which means the poſſeſſion is in one man, and the uſe or *pur-rofit* in another. And for this, I turn to *Gilbert's* law of uſes, page 175. " An uſe, at common law, was an equitable right " which he reſerved, who conveyed a legal eſtate " to another; upon truſt and confidence, that the " perſon to whom he ſo conveyed it, would ne- " vertheleſs ſuffer him to take the rents and profits " of the land."

HERE then it is *pul-lain* to demonſtration, that the leſſor, the defendant in the *pur-reſent* cauſe, hath reſerved the *pur-rofits* or *fur-ruits* of the land although he has leaſed the ſoil itſelf to the *pul-laintiff*. And how has he done this? Not by reſerving the apples *gur-rowing* on the premiſes. This would have been equivocal and uncertain, as the vulgar tongue for the moſt part is. And why? Becauſe it is not certain and determinate what an apple

apple is—There are *fur-ruits*, which in common parlance are called *oak-apples;* others *balſam apples;* others *crab-apples*, and ſo forth; and even potatoes are denominated *les pommes de terre;* that is, *earth apples;* or, as ſome tranſlate it, *the apples of the earth.* How, I ſay, has the leſſor made his reſervation? Not by reſerving the ſkins of apples; for then *ceſtuy que uſe*, the leſſor's pigs would have nothing but the offals, the excrementitious parts of the *fur-ruit* to fatten on. But he has, with *tur-rue* legal preciſion, reſerved the apple-ſkins which include the apples themſelves; as the metes and boundaries of a tract of land *incul-lude* and convey the land itſelf, with all its buildings, *impur-rovements* and appurtenances. And why? Becauſe by a maxim of law, *cujus eſt ſolum ejus eſt uſque ad cœlum.*

But to return to the doctrine of uſes. *Gilbert's* law of uſes page 26: "Though at common law "*ceſtuy que uſe* had no power over the land, yet "he might alien the uſe; becauſe every one might "diſpoſe of the rights that are in him."

Here then, if your honours pleaſe! we ſee, that the leſſor, the *pur-reſent* defendant, hath a power, not only to uſe the apples himſelf, but might

might, if he ſo thought fit, ſell or diſpoſe of them to another. *A fortiori* ſhall he give them to his own pigs. And why? Becauſe, ſaith this *burright* luminary of law, *Baron Gilbert*, "Every "man may diſpoſe of the right that is in him."

MAY it pleaſe the court, I could go on, open up, and diſplay the whole doctrine of truſts and uſes, as laid down in the books; and, at every ſtep, it would appear *cul-lear*, *cul-learer*, and ſtill more *cul-lear*, that the words of the contract, "uſed in his family," are, by intendment of law, to be conſidered as meaning no more than a naked poſſeſſion in truſt for *ceſtuy que uſe* the defendant's pigs.

BUT I ſhall not take up the time of this honourable court, by heaping proof upon proof, or in attempts to elucidate the *ur-rediance* of the ſun.

I confidently ſubmit the defendant's cauſe to the court and jury: having, as I hope, quenched every ſcintilla of doubt in the *unpur-rejudiced* mind.

Ch. Juſ. Let the court be adjourned to three o'clock this afternoon; and I expect that the jury

ry, and the gentlemen of the bar, will be punctual in their attendance. We ſhall wait for no man in this court. I am determined to eſtabliſh punctuality wherever I am concerned. I inſiſt upon every man's attendance at three o'clock preciſely. We ſhall not waſte our precious time in waiting for other people's conveniences.

(The court riſes.)

(Four o'clock.)

Crier. Yonder comes the chief juſtice.

The judges take their ſeats

Ch. Juſ. Let the courts of oyer and terminer, and the ſupreme court be opened.

(The crier opens the court.)

Coun. X. May it pleaſe your honours! and you gentlemen of the jury!

I come now to cloſe the pleadings in this cauſe, by replying to the arguments and authorities advanced in behalf of the defendant.

But, before I enter on the ſubject, I beg leave to clear the way *now* by denying one of the gentleman's

tleman's authorities to be genuine. I did not chooſe to interrupt him at the time; but he may obviate the objection now if he can; the authority I allude to was cited from the printed volume of our acts of aſſembly, page 314. in theſe words, "all apple ſkins or apples." Now, I ſay that this is a falſe and erroneous publication of the law, and of no authority. I have here, if the court pleaſes, a certified copy of this law taken from the original record in the roll's office. By which it it will appear that the words, as enacted, have a very different import from what they have, or may be ſuppoſed to have, as publiſhed is this ſpurious edition of the laws of this commonwealth.

Ch. Juſ. I will not ſuffer the authority of that book to be queſtioned whilſt I preſide in this court —Let me not hear a word more on this head.

Crier. Make room there for the grand jury! clear the way for the jury!

Cl. Gentlemen, have you any bills or preſentments to make?

(The Foreman preſents a paper.)

Ch. Juſ. What! the bill returned *ignoramus!*

—Well! And pray gentlemen, what can be your reaſon for not finding this bill?

Foreman. Becauſe, after a careful examination of witneſſes, for and againſt the party accuſed, we did not think the charge ſufficiently ſupported.

Ch. Juſ. And what buſineſs had you with any witneſſes but thoſe furniſhed by the court? How dare you to tamper with witneſſes unknown to me or the attorney general?

Foreman. We have ſolemnly ſworn to make diligent enquiry, and true preſentment make; and we apprehend that we ſhould not have performed our duty if we rejected any legal teſtimony that offered reſpecting the matter we had in charge——However, we acted under the ſolemnity of an oath, and have diſcharged our conſciences.

Ch. Juſ. Sir! I will not be inſulted! Tell me of your oath and your conſcience! You knew it was my deſire that you ſhould find this bill, and that ought to have ſatisfied you—Conſcience, indeed! The court is the keeper of a grand jury's conſcience; I am ſure I ſent you a ſufficient teſtimony to ſatisfy your conſcience; all we want of you is to give legal form to our proceedings—It

would be a fine court indeed, if a parcel of ignorant merchants ſhould have it in their power to controul our proceedings in the adminiſtration of juſtice—But you have other reaſons than conſcience for this conduct. How dare you receive other teſtimony than ſuch as had been qualified and furniſhed by the court? But this ſhews your extreme ignorance of law—of even the firſt principles of law.

Foreman. May it pleaſe your honour! We did not come here to be abuſed; we have been called upon to perform a duty neither agreeable in itſelf nor profitable to us; we have been forced from our private buſineſs (preſſing enough at this time on moſt of us) to attend this court. Our duty has been deſignated to us in a very ſolemn oath, the terms of which are, as we think, too plain to be miſunderſtood, even by the moſt unlearned; and we are humbly of opinion, that—

Ch. Juſ. Hold your tongue, ſir—I order you to hold your tongue—What ſhall we be braved and inſulted in the execution of our office?—I command you to hold your tongue.

Jud. HIM. Gentlemen of the grand jury, you ſeem to have entirely miſtaken the buſineſs. You

have got a wrong notion of your own office and character, I mean as the law conſiders you; whatever your individual knowledge or merits may be, as a grand jury, the law defines you to be a number of unlearned men, got together to form a part of the *legal machinery* of the court. As to your oath of office; this is alſo nothing more than a law-form, and like other law forms, hath, or may have, a very different import from what the ſame words would have in common acceptation; the true intent and meaning of this oath has been explained to you by the chief juſtice, in his excellent charge, previous to your entering on the duties of your office. You were then told, that when this oath enjoins you diligently to enquire, and true preſentment make, it means nothing more, in the law language, than that you are to conſider, from the teſtimony furniſhed by the court, whether there may not be probable cauſe of ſuſpicion, that the accuſed party is guilty of the crime laid to his charge; and this ought to have ſatisfied you; for as I before obſerved, *a grand jury is only a legal machine, manageable at the diſcretion of the court.*

Foreman. If the court pleaſes! We apprehend—

Ch.

Ch. Juſ. Not a word more, ſir, I will not hear a word, ſir.

GENTLEMEN of the grand jury, the court having no further occaſion for your ſervices, you are diſcharged.

(The grand jury retire in great diſcontent.)

Coun. X. I pray your honour's attention for a few minutes! I was going to obſerve, that in my opinion—

Ch. Juſ. I will not hear a word now on this ſubject—the caſe is too plain: I ſhall ſpend no more time upon it.

GENTLEMEN of the jury:

You have heard this cauſe, and muſt preceive that the point on which it turns, is the legal conſtruction of a clauſe in the leaſe, which, being purely a matter of law, comes not within the ſphere of your duty, or abilities to determine: you will therefore retire and bring in a ſpecial verdict.

ADJOURN the court to nine o'clock to-morrow morning, *preciſely*, and ſee that you are all punctual in your attendance.

(The court riſes.)

(Friday morning, nine o'clock.)

Judge YOU, *Judge* HIM, the jury, officers of the court, &c. At three quarters after eleven, enter his honour the chief juſtice. The court is opened, the jury called, &c.

THE jury hand in a ſpecial verdict, in theſe words:

"IN this cauſe, wherein Timothy Tenant is plaintiff, and Lawrence Landlord defendant; if, in conſtruction of law, a reſervation of *apple-ſkins* and *parings of apples* is a reſervation of the whole fruit or the apples themſelves, then we find for the defendant; but if apple-ſkins are, in conſtruction of law, nothing more than apple-ſkins, then we find for the plaintiff—ten pounds damages, with coſts of ſuit."

Ch. Juſ. As this ſeems to be a cauſe of conſiderable expectation, the court will take time to conſider, and will give judgment on the day of next; ſix months from this time.

(The court riſes.)

AT the time appointed, the court met, and after

may

many adjournments from day to day, for three weeks; judgment was at laſt given as follows:

Ch. Juſ. We are now ready to give judgment on the ſpecial verdict in the cauſe, *Timothy Tenant* againſt *Lawrence Landlord.*

THE legal conſtruction and operation of a clauſe of reſervation in a leaſe granted by the defendant to the plaintiff, is the ſole point on which the determination of this cauſe muſt depend. The reſerve made, is, "of the apple-ſkins or parings of "all the apples uſed in his, the ſaid Timothy Te-"nant's, family; to the intent and purpoſe, that "the ſaid Lawrence Landlord may therewith feed, "fatten, and raiſe up his pig or pigs."

THE diſtinction between an apple-ſkin and the ſkin of an apple was well ſupported by the council for the defendant. And the caſe cited from *O'Farrel's* reports cloſely applied. This caſe of *Miſtake verſus Blunder* gave riſe to many learned comments on the *ſtatute of nails.* Amongſt theſe a very ſcarce tract hath fallen into my hands, written by the greateſt lawyer of his day. He is large on all the points taken in that cauſe: and on the ſecond, he ſays, that twelve o'clock on Friday night may be conſidered as one o'clock on Saturday morning, or as eleven o'clock on Friday night,

at

at the diſcretion of the court: becauſe, in all caſes where a ſtatute fixes a preciſe and determinate time, one hour each way is ſuppoſed to be allowed to the judges, in their deciſions thereupon, *to make up for the variations of clocks and watches.*

BUT to the point. This leaſe or contract, is a deed; and deeds are to be conſidered with reſpect to their *form* and *ſubſtance*: as to the firſt, it is not contended but that this deed is regular in point of *form*. Let us then conſider the *ſubſtance*. The ſubſtance of any deed is the intention of the parties, at the time of executing it. For all the ſolemnities which the law requires have no other end or tendency but that of ſubſtantiating and fixing, in the moſt laſting and unequivocal terms, the will and intention of the contractors. We will now bring the clauſe in queſtion to the teſt of this rule. The words are, "All apple-ſkins and par-"ings," and ſo forth; "To the intent," and ſo forth, "That the leſſor ſhould *fatten and raiſe up his pigs.*" Now it ſignifies nothing what we are to underſtand by apple-ſkins or parings; what is the eſſence? What is the ſubſtantial part? What *ought to have been* the will of the parties in this contract? Certainly the raiſing and fattening of pigs was, or ought to have been, the principal object. And, for this reaſon, becauſe the law looks, with a friendly

friendly eye on the raiſing of hogs, and making of pork and bacon, for theſe are amongſt the ſtaple commodities of our country. And we find many acts of aſſembly for the encouragement of the breed of hogs. Such as the act making it penal for any one to alter the mark of a marked, or *unmarked*, hog; and the act laying a duty on all roaſted pigs under the age of ſix months, and enjoing them to be *killed ſparingly*——and alſo one other remarkable act, lately paſſed, for making hogs, pigs, and ſwine free of the city, and granting them unmoleſted egreſs and regreſs through our ſtreets, lanes, and alleys. Under this act, a hog may have his *quare impedit* againſt any ſtreet commiſſioner or citizen who ſhall obſtruct his paſſage, or moleſt him in the exerciſe of his right; yet it hath been holden, that a hog may not, by virtue of this act, enter the houſes, parlours, or chambers of the citizens.

THUS we ſee that the law hath a ſpecial reſpect to the raiſing and fattening of hogs. And what the law intends to be done, it alſo intends to be well done, or in the beſt and moſt effectual manner. Now, how ſhall the leſſor's pigs be beſt raiſed up and fattened? Not by being fed with huſks, ſkins or parings; but by eating of the fruit itſelf, which contains moſt of the ſaccharine or nutritious juices of the tree.

ON

On theſe clear principles, the court adjudges in favour of the defendant, with coſts; and ſo let it be entered.

Jud. you. I am ſorry to find myſelf under the neceſſity of diſſenting from my brethren. As I cannot help thinking, after mature and delibrate conſideration, that an apple-ſkin is nothing more than an apple-ſkin. However, as the majority is againſt my opinion, the judgment muſt be entered in favour of the defendant.

Coun. X. It the court pleaſes! I beg leave to move for a re-hearing of this cauſe. Not for the ſake of delay; but for this reaſon—We did not foreſee the principles upon which the court hath grounded its deciſion; and therefore have not provided either evidence or argument to the point which has influenced your honours. If we may be indulged with a re-hearing we ſhall bring full proof that the leſſor did not keep any pig or pigs; and ſo by his own act or neglect hath rendered it impoſſible for the plaintiff to execute the truſt. There being in fact no *ceſtuy que uſe* for whom the truſt ſhould be executed. It is a maxim in law, that no one ſhall benefit by his own wrong; much leſs ſhall a man ſuffer for not doing that which his adverſary hath put it out of his power to do.

(*The*

(The judges conſult together.)

Ch. Juſ. I was of opinion that no re-hearing ſhould be granted—judge YOU thought it ought to be allowed, judge HIM was doubtful, and thereupon,

CURIA VULT ADVISARE.

☞ IN December 1787 the convention of Pennſylvania aſſembled to conſider the conſtitution or frame of government for the United States, drawn up by the late general convention of the ſtates, and by them recommended to the conſideration of the people at large. After three weeks deliberation, the propoſed conſtitution was adopted by the convention of Pennſylvania, by a majority of two thirds of that body. The following allegory contains in ſubſtance the principal arguments uſed in that important debate.

THE NEW ROOF.

THE roof a certain Manſion-houſe was obſerved to be in a very bad condition*, and quite inſufficient for the purpoſe of protection from the inclemencies of the weather. This was matter of ſurpriſe and ſpeculation, as it was well known that the roof was not more than twelve years old, and therefore its defects could not be aſcribed to a natural decay by time.

ALTHOUGH there were many different opinions reſpecting the cauſes of this deficiency, yet all agreed that the family could not ſleep in comfort or ſafety under it.

* The old Confederation.

AT

AT laſt it was determined to employ ſome ſkilful architects to ſurvey and examine this defective roof, to make report of its condition, and to point out ſuch alterations and repairs as might be found neceſſary.

THESE ſkilful architects accordingly met together; and after a thorough examination of the faulty roof, they found,

1st That the whole fabric was too weak.

2nd That there were indeed *thirteen* rafters; but that theſe rafters were not connected by any braces or ties, ſo as to form a union of ſtrength.

3d That ſome of theſe rafters were thick and heavy, and others too ſlight; and as the whole had been put together whilſt the timber was yet green, ſome had warped outwards, and of courſe ſuſtained an undue proportion of weight, whilſt others, warping inwards, had ſhrunk from bearing any weight at all.

4th THAT the ſhingling and lathing had not been ſecured with iron nails, but only wooden pegs*, which ſwelling and ſhrinking by ſucceſſions of wet and

and dry weather, had left the ſhingles ſo looſe, that many of them had been blown away by the wind; and that before long, the whole would, probably, in like manner be blown away.

5th THAT the cornice was ſo ill proportioned, and ſo badly put up, as to be neither an ornament nor of uſe: and,

6th That the roof was ſo flat as to admit the moſt idle ſervants in the family, their playmates and acquaintance, to trample upon and abuſe it*.

HAVING made theſe obſervations, theſe judicious architects were of opinion, that it would be altogether vain and fruitleſs to attempt any alterations or repairs in a roof ſo defective in all points, and therefore propoſed to have it entirely removed; and that a new roof, of a better conſtruction, ſhould be erected over the manſion-houſe: and they alſo prepared a drawing or plan of a new roof, ſuch as they thought moſt excellent for ſecurity, duration, and ornament. In forming this plan, they conſulted the moſt celebrated authors in ancient and modern architecture, and brought into their deſign the moſt approved parts, ſelected from the models before them; and finally endeavoured

to

* Want of dignity in government.

to proportion the whole to the ſize of the building, and the ſtrength of the walls.

THIS propoſal of a new roof, it may well be imagined, became the principal ſubject of converſation in the family: and the opinions of it were various, according to the judgment, intereſts, or ignorance of the diſputants.

ON a certain day the ſervants of the family had aſſembled in the great hall to diſcuſs the important queſtion. Amongſt theſe was JAMES,* the architect, who had been one of the ſurveyors of the old roof, and had a principal hand in forming the plan of the new one. A great number of tenants had alſo gathered out of doors, and crowded the windows and avenues to the hall, which were left open for them, that they might hear the arguments for and againſt the new roof.

Now, there was an old woman, known by the name of *Margery the midwife*, who had got a comfortable apartment in the manſion-houſe. This woman was of an intriguing ſpirit, of a reſtleſs and inveterate temper, fond of tattle, and a great miſchief-maker. In this ſituation, and with theſe talents,

* J—— W——, eſq.

lents, ſhe unavoidably acquired an influence in the family; by the exerciſe of which, according to her natural propenſity, ſhe had long kept the houſe in confuſion, and ſown diſcord and diſcontent amongſt the ſervants.

Margery was, for many reaſons, an irreconcilable enemy to the new roof, and the architects who had contrived it. Amongſt theſe, two reaſons were very obvious. Firſt: the mantle-piece, on which her cups and platters were placed, was made of a portion of the great cornice; and ſhe boiled her pot with the ſhingles that blew off from the defective roof: and, ſecondly, it ſo happened that, in the conſtruction of the new roof, her apartment would be conſiderably leſſened.

No ſooner, therefore, did ſhe hear of the plan propoſed by the architects, but ſhe put on her old red cloak, and was day and night trudging amongſt the ſervants and tenants, crying out againſt the new roof, and the framers thereof. Amongſt theſe ſhe had ſelected *William*, *Jack*, and *Robert*, three of the ſervants, and inſtigated them to oppoſe the plan recommended. She cauſed them to be ſent to the great hall on the day of debate, and furniſh-

ed them with innumerable alarms and fears, cunning arguments, and ſpecious objections.

Now, the principal argument and objections with which *Margery* had inſtructed William, Jack, and Robert, were theſe.

1ſt THAT the architects had not exhibited a bill of ſcantling * for the new roof, as they ought to have done; and, therefore, the carpenters, under the pretence of providing timber for it, might lay waſte whole foreſts, to the ruin of the farm.

2dly THAT no proviſion was made in the plan for a trap door † for the ſervants to paſs through with water, if the chimney ſhould take fire, and that in caſe of ſuch an accident it might hereafter be deemed penal to break a hole in the roof, for acceſs, to ſave the whole building from deſtruction.

3dly THAT this roof was to be guarded by battlements‡, which in ſtormy ſeaſons, would prove dangerous to the family, as the bricks might be blown down and fall on their heads.

4thly IT was obſerved, that the old roof was ornamented

* Bill of rights. † Liberty of the preſs.
‡ Standing army.

namented with twelve pedeſtals, * ranged along the ridge, which had been objects of univerſal admiration. Whereas, according to the new plan, theſe pedeſtals were only to be placed along the eaves of the roof over the walls. As to the cupola, ſome of the objectors ſaid it was too heavy, and would prove a dangerous burden to the building; whilſt others inſiſted that it was too light, and would certainly be blown away by the wind

5thly It was urged, that the thirteen rafters would be ſo ſtrongly braced together, that the individual and ſeparate ſtrength of each rafter would be loſt in the compounded and united ſtrength of the whole †; and ſo this roof might be conſidered as one ſolid maſs of timber, and not as compoſed of diſtinct rafters like the old roof.

6thly That, according to the propoſed plan, the ſeveral parts of the roof were ſo framed as to mutually ſtrengthen and ſupport each other; and therefore, there was great reaſon to fear, that the whole might ſtand independent of the walls;

4 and,

* Trial by jury.

† That the ſovereignties of the ſeveral ſtates would be abſorbed in the general government.

and, that in time the walls might moulder away, and the roof remain ſuſpended in the air, threatening deſtruction to all who ſhould come under it *.

To theſe objections, JAMES, the architect, in ſubſtance replied.

1ſt As to the want of a bill of ſcantling, he obſerved, that if the timber for this roof was to be purchaſed from a ſtranger, it would have been quite proper to have ſuch a bill, leſt the ſtranger ſhould charge in account more than he was entitled to; but as the timber was to be cut from our own lands, a bill of ſcantling was both uſeleſs and improper. It was of no uſe, becauſe the wood always was, and always would be, the property of the family, whether growing in the foreſt, or fabricated into a roof for the manſion-houſe; and improper, becauſe the carpenters would be bound by the bill of ſcantling; which, if it ſhould not be perfectly accurate, a circumſtance not to be expected, either the roof would be defective for want of ſufficient materials, or the carpenters muſt cut from the foreſt, without authority, which is penal by the laws of the houſe.

* That it would be a conſolidated government, and might exiſt independent of the people or of the ſtates.

2dly To the ſecond objection, he ſaid, that a trap-door was not properly a part in the frame of a roof; but there could be no doubt but that the carpenters would take care to make ſuch a door in the ſhingling for the family to carry water through, *dirty* or *clean*, to extinguiſh fire, either in the chimney or on the roof; and that this was the only proper way of making ſuch a door.

3dly As to the battlements, he inſiſted, that they were abſolutely neceſſary for the protection of the whole houſe. 1ſt Becauſe, in caſe of a ſudden attack by robbers, the family could defend themſelves behind theſe battlements, and annoy and diſperſe the enemy. 2dly If any of the adjoining buildings ſhould take fire, the battlements would ſcreen the roof from the deſtructive flames. And, 3dly, they would retain the rafters in their reſpective places, in caſe any of them ſhould, from rottenneſs or warping, be in danger of falling from the general union, and injuring the other parts of the roof: obſerving alſo, that the battlements ſhould always be ready for theſe purpoſes, as there would be neither time nor opportunity for raiſing battlements after an aſſault was actually made, or a conflagration begun. As to the bricks being blown down, and falling on the heads of the people, he ſaid the whole would always be in the

the power of the family, who could at any time repair or remove any looſe and dangerous parts; and there could be no doubt but that their vigilance would be fully ſufficient to prevent accidents of this kind.

4thly WITH reſpect to the twelve pedeſtals, he acknowledged their uſe and beauty; but obſerved that theſe, like all other things, were only ſo in their proper places, and under circumſtances ſuited to their nature and deſign: and he inſiſted that the ridge of a roof was not the place for pedeſtals, which ſhould reſt on the ſolid wall, being made of the ſame materials; and ought, in propriety, to be conſidered as ſo many projections, or continuations of the wall itſelf, and not as component parts of the wooden roof. As to the cupola, he ſaid, that all agreed that there ſhould be one of ſome kind or other; as well for a proper finiſh to the building, as for the purpoſe of indicating the winds, and containing a bell to ſound the alarm in caſes of neceſſity. The objections to the propoſed cupola, he ſaid, were too contradictory to merit a reply.

5thly To the fifth objection, he anſwered: that the intention really was to make a firm and ſubſtantial roof, by uniting the ſtrength of the thirteen rafters; but that this was ſo far from annihilating

the ſeveral rafters, and rendering them of no uſe individually, that it was manifeſt, from a bare inſpection of the plan, that the ſtrength of each contributed to the ſtrength of the whole, and that the exiſtence of each and all was eſſential to the exiſtence of the fabric as a roof.

6thly And laſtly, he ſaid, that the roof was, in truth, ſo framed as that the parts ſhould mutually ſupport and check each other. But it was abſolutely abſurd, and contrary to the known laws of nature, to infer from thence, that the whole frame could ſtand ſelf-ſupported in the air. For, however its component parts might be combined with reſpect to each other, the whole muſt neceſſarily reſt upon and be ſupported by the walls. That the walls might, indeed, ſtand for a few years in a ruinous and uninhabitable condition, without any roof; but the roof could not, for a moment, ſtand without the ſupport of the walls: and finally, that of all dangers and apprehenſions, this of the roof's remaining after the walls are gone, was the moſt abſurd and impoſſible.

It was mentioned before, that whilſt this debate was going on in the great hall, the windows and doors were crowded with attendants. Amongſt theſe, was a half crazy fellow, who was ſuf-

fered

fered to go at large as a harmleſs lunatic.* *Margery*, however, thought he might be a ſerviceable engine in promoting oppoſition to the new roof. As people of deranged underſtandings are eaſily irritated, ſhe exaſperated this poor fellow againſt the architects, and filled him with terrible apprehenſions from the new roof; making him believe that the architects had provided a dark hole in the garret, where he was to be chained for life. Having by theſe ſuggeſtions filled his mind with rage and terror, ſhe turned him looſe amongſt the crowd, where he roared and bawled to the great annoyance of the bye-ſtanders.

THIS circumſtance would not have been noticed, but for the opportunity of exhibiting the ſtyle and manner in which a half deranged and highly irritated mind will expreſs itſelf. One of his rhapſodies ſhall conclude this narrative.

† THE new roof! the new roof!—Oh! the new

 roof!

* A furious writer under the ſignature of *Philadelphienſis*.

† This fuſtian is a burleſque of a paper publiſhed under the ſignature of PHILADELPHIENSIS; the original is ſubjoined, taken from the Independent Gazetteer of Dec. 19, 1787. I had it in my power afterwards to detect and expoſe the real name of the author of theſe inflamatory publications, which put a ſtop to the productions of

roof! ſhall demagogues, deſpiſing every ſenſe of order and decency, frame a new roof? If ſuch barefaced preſumption, arrogance, and tyrannical proceedings will not rouſe you, the whip and the goad—the whip and the goad—ſhould do it. But you are careleſs and inſecure ſinners, whom neither admonitions, entreaties, or threatenings can reclaim. Sinners conſigned to unutterable and endleſs wo. Where is that puſillanimous wretch who can ſubmit to ſuch contumely? Oh, for the *ultima ratio regum!* [He got theſe three Latin words from Margery] Oh! for the *ultima ratio regum!*—Ah! the days of Nero!—Ah! the days of Caligula!—Ah! the Britiſh tyrant and his infernal junto!—Glorious revolution!—Awful criſis!—Self-important nabobs—diabolical plots and ſecret machinations—Oh! the architects! the architects! They have ſeized the government, ſecured power, brow-beat with inſolence, and aſſume majeſty—Oh! the architects! They will treat you as conquered ſlaves

PHILADELPHIENSIS. He was an Iriſh ſchoolmaſter, who had not been more than two years in the country, and who, without either property or reputation in America, endeavoured, under the cover of a fictitious ſignature, not only to enflame people againſt the plan of government propoſed by America's beſt patriot's and moſt able ſtateſmen; but even ventured to abuſe and vilify ſuch characters as GENERAL WASHINGTON, Dr. Franklin, and the gentlemen who compoſed the general convention, calling them in the public papers, *villains* and *conſpirators*.

ſlaves—they will make you paſs under the yoke, and leave their gluttony and riot to attend the pleaſing ſport—Oh! that the glory of the Lord may be made perfect!—that he would ſhew ſtrength with his arm, and ſcatter the proud in the imaginations of their hearts! Blow the trumpet; ſound an alarm. I will cry day and night. Behold, is not this my number *five!* attend to my words, ye women labouring of child; ye ſick perſons and young children. Behold, behold, the lurking places; the deſpots; the infernal deſigns; the luſt of dominion and conſpiracies. From battle and murder and ſudden death, good Lord deliver us!

FIGURE to yourſelves, my good fellows, a man with a cow and a horſe.—Oh! the battlements, the battlements! they will fall upon his cow; they will fall upon his horſe, and will wound them and bruiſe them, and put them to death; and the poor man will periſh with hunger. Do I exaggerate? No, truly. Europe, Aſia, and Indoſtan, deny it if you can. Oh God! what a monſter is man! A being poſſeſſed of knowledge, reaſon, judgment, and an immortal ſoul. What a monſter is man! But the architects are ſaid to be men of ſkill and approved worth; then the more their

ſhame;

ſhame—curſe on the villains! We beſeech thee to hear us! Oh! ah! ah! oh!"

FROM THE INDEPENDENT GAZETTEER OF JULY 19, 1787.

"MY FELLOW-CITIZENS,

"IF the arbitrary proceedings of the convention of Pennſylvania do not rouſe your attention to the rights of yourſelves and your children, there is nothing that I can ſay will do it. If the contempt and obloquy with which that body (whoſe legality even may be queſtioned) has treated your petitions, cannot bring you to think ſeriouſly, what then will? When a few demagogues, deſpiſing every ſenſe of order and decency, have rejected the petitions of the people, and in the moſt ſupercilious manner triumphed over the freemen of America, as if they were their ſlaves, and they themſelves their lords and maſters; I ſay, that if ſuch barefaced preſumption and arrogance, ſuch tyrannical proceedings of the men, who, if acting conſtitutionally, were the ſervants of the people, be not ſufficient to awaken you to a ſenſe of your duty and intereſt,

intereſt, nothing leſs than the goad and the whip can ſucceed. Your condition muſt be like that of the inſecure ſinner, whom neither the admonitions nor entreaties of his friends, nor even the threatenings of awaiting juſtice, could reclaim, or convince of his error; his reformation is neglected until it is too late, when he finds himſelf in a ſtate of unutterable and endleſs wo.

It may be aſſerted with confidence, that beſides the petitions that Mr. Whitehill preſented to the convention, from Cumberland county, againſt the adoption of the new conſtitution, there is not a county or town in the ſtate that ſhould not have followed the example, if a reaſonable time had been allowed for the petitions to come in. Now, if we conſider but for a moment how contemptuouſly the people were treated on this occaſion, we may form ſome idea of the way in which they are hereafter to be governed by their *well born maſters* —"The petitions being read from the chair, Mr "M'Kean ſaid, that he was ſorry that at this "ſtage of the buſineſs ſo *improper* an attempt "ſhould be made; he hoped therefore that the "petitions would not be *attended to.*" Where is the freeman in America that can tamely ſuffer ſuch an inſult to his dignity to paſs with impunity? Where

Where is that pusillanimous wretch that can submit to this contumely? Is not this the language of Britain in the years 1775 and 1776 renewed? What said George the Third and his pampered ministers more than this to the petitions of America? Is it improper for freemen to petition for their rights? If it be; then I say that the impropriety consisted only in their not *demanding* them. Propriety requires that the people should approach their representatives with a becoming humility; but the governors of a free people must ever be considered as their servants, and are therefore bound to observe decency towards them, and to act according to their instructions, and agreeably to conscience. If the petitions of the freemen of America, couched in decent and respectful terms, will not be attended to; then, be it known, that their *demands* must and will be granted: if no better will do, the *ultima ratio regum* must secure to the people their rights. God in his providence has crowned them with success once already on this head; and there is little doubt, with the same assistance, but a second attempt will terminate just as much in favour of liberty.

The indignity offered to the people and their petitions by the haughty lordlings of the convention

tion, proclaims the chains of deſpotiſm already firmly rivetted. Like a herald it cries aloud—Huſh, ye ſlaves, how dare you interrupt your *mighty rulers*, who alone have a divine right to eſtabliſh conſtitutions and governments, calculated to promote their own aggrandizement and honour. Ah! my friends, the days of a cruel Nero approach faſt; the language of a monſter, of a Caligula, could not be more imperious. I challenge the whole continent, the *well-born and their paraſites*, to ſhew an inſtance of greater inſolence than this, on the part of the Britiſh tyrant, and his infernal junto, to the people of America before our glorious revolution. My fellow-citizens, this is an awful criſis; your ſituation is alarming indeed; yourſelves and your petitions are deſpiſed and trampled under the feet of ſelf-important nabobs; whoſe diabolical plots, and ſecret machinations have been carried on ſince the revolution, with a view to deſtroy your liberties, and reduce you to a ſtate of ſlavery and dependence: and, alas! I fear they have found you off your guard, and taken you by ſurpriſe. Theſe aſpiring men having ſeized the government, and ſecured all power, as they ſuppoſe to themſelves, now openly brow-beat you with their inſolence, and aſſume majeſty; and even treat you like menial ſervants, your repreſentatives as ſo many conquered ſlaves, that they intend to make paſs under

the

the yoke, as ſoon as leiſure from their gluttony and rioting on the induſtry of the poor, ſhall permit them to attend ſuch a pleaſing piece of ſport.

But, I truſt, theſe petty tyrants will ſoon find to their confuſion, that their own imprudent zeal has declared their deſigns. Providence has ordered that they ſhould begin to carry their arbitrary ſchemes too ſoon into execution, that boundleſs ambition ſhould precipitate their deſtruction, and that the glory of God ſhould be made perfect in the ſalvation of the poor. Bleſſed be his name: "he hath ſhewed ſtrength with his arm: he hath ſcattered the proud in the imaginations of their hearts: he hath put down the mighty from their ſeat, and exalted them of low degree: he hath filled the hungry with good things, and the rich he hath ſent empty away." As a villain, who ſecreted to rob and murder in the ſilent hour of night, iſſues forth from his lurking place before the people have retired to ſleep, and thus fruſtrates his infernal deſign by impatience; ſo, in like manner, the luſt of dominion has urged theſe deſpots on to the adoption of meaſures that will inevitably, and I hope immediately, unhinge every part of their conſpiracy againſt the rights of their fellow-men, and bring on themſelves infamy and diſgrace.

FIGURE to yourſelves, my brethren, a man with a plantation juſt ſufficient to raiſe a competency for himſelf and his dear little children; but by reaſon of the immoderate revenue neceſſary to ſupport *the emperor*, the illuſtrious *well-born congreſs*, *the ſtanding army*, &c. &c. he neceſſarily fails in the payment of his *taxes;* then a hard-hearted federal officer ſeizes and ſells his cows, his horſes, and even the land itſelf muſt be diſpoſed of to anſwer the demands of government. He pleads unfruitful ſeaſons, his old age, and his numerous and helpleſs family. But, alas! theſe avail him nothing; his farm, his cattle, and his all are ſold for leſs than half their value, to his wealthy neighbour, already poſſeſſed of half the land in the county, to whom alſo, himſelf and his children muſt become ſervants and ſlaves, or elſe periſh with hunger and want! Do I exaggerate here? No, truly. View the miſery of the poor under the deſpotic governments of Europe and Aſia, and then deny the truth of my poſition if you can. It is a common ſaying among the poor of Indoſtan, that to lie is better than to ſtand, to ſleep is better than to wake, but death is beſt of all, for it delivers them from the cruelty of their nabobs. Even in the freeſt country in Europe, a lady's lap-dog is more eſteemed than the child of a poor man

man. Oh God! what a monſter is man! that a dog ſhould be nouriſhed and pampered up by him with dainties, whilſt a being poſſeſſed of knowledge, reaſon, judgment, and an immortal ſoul, bought with no leſs a price than the blood of our divine Redeemer, ſhould be driven from his door, without admitting him, even for a moment, to aſſuage his hunger with the crumbs that might fall from his table.

But the members of the federal convention were men who have been all tried in the field of action, ſay ſome; they have fought for American liberty: then the more to their ſhame be it ſaid. Curſe on the villain, who protects virgin innocence only with a view that he may himſelf become the raviſher; ſo that, if the aſſertion was true, it only turns to their diſgrace; but, as it happens, it is not true, or at leaſt only ſo in part. This was a ſcheme taken by the deſpots and their ſycophants to bias the public mind in favour of the conſtitution; for the convention was compoſed of a variety of characters: ambitious men, jeſuits, tories, lawyers, &c. formed the majority, whoſe ſimilitude to each other conſiſted only in their determination to lord it over their fellow-citizens; like the rays that, converging from every direction, meet in a point,

and their ſentiments and deliberations concentered in tyranny alone; they were unanimous in forming a government that ſhould raiſe the fortunes and reſpectability of the *well born* few, and oppreſs the plebeians.

PHILADELPHIENSIS, N° V.

THE

THE

NEW ROOF:

A SONG FOR

FEDERAL MECHANICS.

I.

COME muſter, my lads, your mechanical tools,
Your ſaws and your axes, your hammers and rules;
Bring your mallets and planes, your level and line,
And plenty of pins of American pine:
For our roof we will raiſe, and our ſong ſtill ſhall be,
Our government firm, and our citizens free.

II.

COME, up with *the plates*, lay them firm on the wall,
Like the people at large, they're the ground work of all;
Examine them well, and ſee that they're ſound,
Let no rotten part in our building be found:
For our roof we will raiſe, and our ſong ſtill ſhall be
A government firm, and our citizens free.

III.

III.

Now hand up the *girders*, lay each in his place,
Between them the *joiſts*, muſt divide all the ſpace;
Like aſſemblymen *theſe* ſhould lie level along,
Like *girders*, our ſenate prove loyal and ſtrong:
For our roof we will raiſe, and our ſong ſtill ſhall be
A government firm over citizens free.

IV.

THE *rafters* now frame; your *king-poſts* and *braces*,
And drive your pins home, to keep all in their places;
Let wiſdom and ſtrength in the fabric combine,
And your pins be all made of American pine:
For our roof we will raiſe, and our ſong ſtill ſhall be,
A government firm over citizens free.

V.

OUR *king-poſts* are *judges*; how upright they ſtand,
Supporting the *braces*; the laws of the land:
The laws of the land, which divide right from wrong,
And ſtrengthen the weak, by weak'ning the ſtrong:
For our roof we will raiſe, and our ſong ſtill ſhall be,
Laws equal and juſt, for a people that's free.

VI.

UP! up! with the *rafters*; each frame is a *ſtate*:
How nobly they riſe! their ſpan, too, how great!
From the north to the ſouth, o'er the whole they extend,
And reſt on the walls, whilſt the walls they defend:
For our roof we will raiſe, and our ſong ſtill ſhall be
Combined in ſtrength, yet as citizens free.

VII.

Now enter the *purlins*, and drive your pins through;
And ſee that your joints are drawn home and all true.
The *purlins* will bind all the rafters together:
The ſtrength of the whole ſhall defy wind and weather:
For our roof we will raiſe, and our ſong ſtill ſhall be,
United as ſtates, but as citizens free.

VIII.

COME, raiſe up the *turret*; our glory and pride;
In the centre it ſtands, o'er the whole to *preſide*:
The ſons of Columbia ſhall view with delight
Its pillar's, and arches, and towering height:
Our roof is now rais'd, and our ſong ſtill ſhall be,
A federal head o'er a people that's free.

IX.

HUZZA! my brave boys, our work is complete;
The world ſhall admire Columbia's fair ſeat;
Its ſtrength againſt tempeſt and time ſhall be proof,
And thouſands ſhall come to dwell under our roof:
Whilſt we drain the deep bowl, our toaſt ſtill ſhall be
Our government firm, and our citizens free.

AN INTERCEPTED LETTER

FROM THE AUTHOR OF

THE CENTINEL,*

TO HIS FRIEND IN———COUNTY.

PHILADELPHIA, Jan. 19, 1788.

DEAR SIR,

I Received your letter by Mr ***** and am very ſorry to find that your exertions in the county of ***** have been attended with ſo little ſucceſs. I expected long before this to have heard of a commotion begun. It is indeed high time that ſomething vigorous ſhould be attempted, otherwiſe the ſpirit of our cauſe will languiſh, and when once that ſpirit hath evaporated it will not be in our power to recal it.

You know it was always our opinion, that the great gun ſhould be charged here in the city, and fired

* A moſt inflammatory and abuſive paper under the title of THE CENTINEL.

fired off in one of the weſtern counties. I am ſure I have not been remiſs in my part of the buſineſs. Have I not already charged it with eleven cartridges well rammed down; and when I am every moment expecting the exploſion, you only urge me to double my diligence and ram away. In ſhort, I am almoſt weary of this fruitleſs toil. I don't find that my publications have had the deſired effect here; I would fain hope that they have been more operative in the counties; if ſo, you ſhould have informed me, for I want encouragement more than a ſpur.

WHILST I am iſſuing number after number of my Centinel, all written with a freedom and ſpirit ſufficient, one would think, to rouſe the people; I ſay, whilſt I am doing this, the ſtates, one after another, either unanimouſly, or by very large majorities, are ratifying the new conſtitution. You have heard, or will hear, that Connecticut has adopted it by a majority of 127 to 40 in their ſtate convention. Beſides this, I have the mortification to ſee my Centinels printed, and re-printed, but never replied to. Attempts to anſwer would afford freſh ſources of argument; can any thing be more provoking or diſcouraging? I have rung the changes upon the liberty of the preſs; the trial by

jury;

jury; deſpotiſm and tyranny: and am reduced to the neceſſity of repeating in different words the ſame railings againſt the new conſtitution, and the ſame abuſe againſt the framers of it.

THE novelty of this boldneſs is over, and my pieces are now ſcarcely read. I am aſtoniſhed that ſuch extraordinary exertions have had ſo little effect with the people. I have directly, and without reſerve, called the members of the late general convention, with general W—n at their head, villians, traitors, fools and conſpirators, collectively and individually, and yet the mob does not riſe. I have often told you, that it is of no great importance on which ſide an inſurrection takes place—all that is neceſſary, is to have a commotion begun. A faction can always turn public confuſion to its own account. I was in great hopes that the attack upon Major Boyd's houſe would have produced ſomething; it was indeed ſerviceable to our party, but the flame was too weak to ſpread; the law interfered and extinguiſhed it entirely. A mob is not worth a farthing, unleſs, by its great numbers, or the weight and influence of its leaders, it can ſtoutly look law in the face, and bid defiance to its operation.

You tell me that you have enliſted about 60 inſurgents—but what can they do? 600 in each of the couuties would have been more to the purpoſe. Either you muſt have been very negligent, or your influence in the county is not as great as you gave us reaſon to believe.

You ſay you have conſtantly attended at taverns, vendues, funerals and other public meetings —liberally treated thoſe whom your thought it might be of uſe to gain—diſtributed my Centinels, and watched the moſt favourable opportunities for inflaming the minds of the people. This is all very well; but if the conſequence has been no more than the aſſociation of 60 inſurgents, it is certainly very poor doings. If our friends have done no better in the other counties, and I have not yet heard that they have done any thing, our party had better tack about, and cry up the new conſtitution, that ſome of us may ſtand a chance at leaſt for a ſhare in the loaves and fiſhes. For if, notwithſtanding our oppoſition, this new conſtitution ſhould be eſtabliſhed, we ſhall always be looked upon as diſaffected to the government, and unfit to be truſted with offices under it.

Our champions in the other ſtates begin to fall off. You have ſeen, I ſuppoſe, governor R——'s letter;

letter; and I am told, that R—— H—— L——, and Mr. M—— have dropped all oppoſition. Unleſs ſome extraordinary exertions are made, and ſpeedily too, our whole ſcheme muſt fall to the ground. Only imagine what a ridiculous figure I make here. I am every week publiſhing things, which, in any other country would bring the author to the gallows, as a ſeditious diſturber of the public peace—and yet nothing comes of it. My performances, as I ſaid before, do not even provoke a reply. Can any thing be more mortifying? In the mean time, the new conſtitution is taking root in the other ſtates. And it muſt be confeſſed, that in every inſtance where the people have been legally brought together, either in conventions, or as aſſemblymen, grand juries, or otherwiſe, they have uniformly declared themſelves in favour of it. Theſe are great obſtacles to our views. We have affected the popular ſide of the queſtion, and the voice of the people is decidedly againſt us. Patriotiſm, not ſupported by the body, the citizens is always denominated *faction*.

To conclude, unleſs we can do ſomething ſpeedily, towards raiſing a reſpectable commotion in the ſtate, it is my opinion that we ought to prepare for joining the general current in favour of this new ſyſtem of government: and this may be plauſibly effected by declaring

declaring that we never had any thing in view but the good of our country: that the new conſtitution appeared, in our judgments, to contain many things objectionable, and ſome things even dangerous, to the liberties of the people. But as the general opinion ſeems to be otherwiſe, we reſign our prejudices to the will of the majority, as every good citizen ought to do: and ſince we find that the propoſed ſyſtem of a federal government is indeed likely to be eſtabliſhed, we ſhall not be behind any in zealous exertions for its ſupport.

THINK of theſe things, and let me hear from you as ſoon as poſſible. In the mean time,

I am, dear ſir,

Your's, &c.

CENTINEL.

OBJEC-

OBJECTIONS

TO THE PROPOSED PLAN OF A FEDERAL GOVERNMENT FOR THE UNITED STATES, ON GENUINE PRINCIPLES.

AT a Meeting of the *Wheel-barrow* Society* in the priſon yard, Philadelphia, Febuary 8th. 1788.

Preſent fifty eight members.

Jem. Doran in the chair.

AFTER mature diſcuſſion, the ſociety unanimouſly agreed in the following

FUNDAMENTAL PRINCIPLES.

1ſt *Pure natural liberty*, is the right of every man to do whatever he pleaſes *without controul*, and

* Convicts condemned to the Wheel-Barrow for various crimes.

and to poſſeſs, *without retribution*, whatever he can acquire by his *valour* or *addreſs*.

2d STATES or ſovereign powers are as individuals in a ſtate of nature; and therefore true *political liberty*, or the liberty of a ſtate as a body politic, is the right of that ſtate, or of thoſe who are in poſſeſſion of the ſovereignty thereof, to do ſuch things, and enact ſuch laws, as may be thought conducive to the advancement of the powers and intereſts of that ſtate, or of the government thereof, uncontrouled by the artificial ſyſtem of reſtraints, known by the name of the *law of nations*.

3d ALL ſyſtems of government, whether operating on ſtates, or on individuals, although oſtenſibly formed, and ſpeciouſly declared to be for the eſtabliſhment of general juſtice and of general good, ought to be abhorred by the true ſons of freedom as invaſions on, and abridgments of their natural rights.

4th WHEREAS in the preſent imperfect ſtate of things, *true natural liberty*, as defined in our firſt fundamental principle, cannot be univerſally enjoyed, neceſſity enforces a ſubmiſſion to what is called government, under ſome form or other.

5th

5th ACCORDING to the foregoing principles, *that* form of government is the beſt which contains the feweſt reſtraints, and leaves in the hand of the governed the greateſt portion of *natural liberty*, and the fulleſt ſcope for the exerciſe of *perſonal proweſs* and *native ingenuity*, it being demonſtrable, that if the component parts of any ſociety are left free, and become, *by any means*, rich and happy, the whole of that ſociety will be free, rich and happy.

6th THE worſt of all poſſible governments is that in which the vigorous operation of general laws, and a complication of internal checks, reſtraints and regulations, prevent individual ſtates or perſons from purſuing their ſeparate intereſt *in their own way*; moſt wickedly ſacrificing the real emolument of individuals to the viſionary good and proſperity of the whole.

THESE *fundamental principles* being eſtabliſhed, the plan of government propoſed by the late general convention for the United States was taken up; conſidered by paragraphs, and compared with the doctrines laid down; and after ſome debate the following reſolutions were unanimouſly adopted. viz.

1ſt RESOLVED, That the conſtitution propoſed for the United States, is a *conſolidated government*, pregnant with the ſeeds of coercion and reſtraint, and therefore a ſyſtem of tyranny and oppreſſion.

2d RESOLVED, That under ſuch a government, neither ſtates nor individuals can do, or refuſe to do, whatever they pleaſe in all caſes; which is a direct infringement on the natural liberty of both, as defined in our firſt fundamental principle.

3d RESOLVED, That under ſuch a government, men of education, abilities, and property, commonly called the *well-born*, will be moſt likely to get into places of power and truſt, to the excluſion of a large majority of citizens of a contrary deſcription.

4th RESOLVED, That as this conſtitution moſt arbitrarily and inhumanly prohibits the emiſſion of *Paper-Money*, and other reſources by which the unfortunate debtor may throw off the diſcouraging burthen of his obligations, it ought to to be conſidered, as in fact it is, a ſyſtem of tyranny and oppreſſion, compelling citizens, in many inſtances, to do things extremely diſagreeable and contrary to their preſent intereſt.

5th RE-

5th RESOLVED, That under ſuch a government, the induſtrious and wealthy may enjoy their property in ſecurity, to the great injury of thoſe who have no property at all.

6th RESOLVED, That under ſuch a government, there will be no encouragement for gentlemen of adventure and addreſs, to procure ſubſiſtence and wealth by extraordinary modes of acquirement; becauſe what is called the vigour of government will pervade the whole union.

7th RESOLVED, That the ſyſtem propoſed, is conſonant with our 6th fundamental principle, and the worſt of all poſſible governments; and therefore,

8th RRESOLVED, That the members of the late general convention, who framed, voted for, and recommended this plan of government, and all ſtate conventions which have, or hereafter ſhall adopt and ratify the ſame; and all thoſe individuals, who by word of mouth, by writing and publiſhing, or by any other means, ſhall expreſs their approbation of the ſaid infamous conſtitution are, and ought to be, conſidered by all the true ſons of liberty, as demagogues, ariſtocratics,

conſpirators, traitors, tyrants, and enemies of the natural rights of mankind.

9th RESOLVED, That as we are the moſt numerous and reſpectable body that hath as yet combined formally to avow and publiſh a diſapprobation of this new conſtitution, it is fit and proper that we ſhould be regularly organiſed, that other worthy mal-contents in this and the other ſtates may, by aſſociation or election, be annexed to our community, and ſo form a union of ſtrength to oppoſe the eſtabliſhment of this tyrannical government; therefore,

10th RESOLVED, That we will now proceed to the election of a preſident, vice-preſident, and ſecretary.

WHEREUPON the ballots, being fairly taken and counted, ſtood as follows.

PRESIDENT.

	Votes.
FOR the author of the pieces ſigned *Centinel*,	51
For *Jem Doran*,	5
For *Arthur M'Garrity*,	2

VICE-

VICE-PRESIDENT.

	Votes.
For *L*—— *M*———, Eſquire of Maryland,	47
For *Daniel Cronan*,	8
For *Pat Dalton*,	3

SECRETARY.

For the author of the papers ſigned *Philadelphienſis*,	30
For *Kit Carbery*	28

THE following members were then appointed a committee of correſpondence, viz. Jem. Doran, Arthur M'Garrity, John Doughty, Pat. Dalton, Daniel Cronan, James Bulger, and Kit Carberry, to hold communication with the adherents of General Shays in the ſtate of Maſſachuſetts, and with other worthy oppoſers in the ſeveral ſtates.

AFTER ordering that theſe their proceedings ſhould be publiſhed, the ſociety reſumed their daily occupation of cleaning the ſtreets and common ſewers.

SOME THOUGHTS

ON THE

DISEASES OF THE *MIND*;

WITH A

SCHEME FOR PURGING THE MORAL FACULTIES

OF THE

GOOD PEOPLE OF *PENNSYLVANIA*.

QUITE NEW AND VERY PHILOSOPHICAL.

THAT there is an intimate connection between the ſoul and the body, and that the one is apt to be affected by the diſorders and irregularities of the other, is a truth too manifeſt to be controverted. How this connection is formed, to what extent it exiſts, and what are the viſible organs of the body which compoſe the intermediate links of union, with the

the inviſible faculties of the mind, are problems which have been often in vain attempted. I neither pretend to have found out the ſecret, nor have I, at preſent, any plauſible hypotheſis to propoſe on this delicate ſubject.

THIS mutual influence, however, which plainly exiſts between ſpirit and matter in all animals, and more eſpecially in man, hath produced many promiſing devices for remedying the diſorders of the mind, which ſeem to be beyond our reach, by attacking the organs of the body, which are within our power. A late ingenious author * has gone great lengths in this hypotheſis, in his "*Diſſertation on the effect of phyſical cauſes on the moral faculty.*"

FOR my own part, I believe there is ſome truth in the doctrine; and that, in particular caſes, if applied with great judgment, a partial and temporary effect may be obtained. But if the ſeat of the diſeaſe ſhould really be in the mind, it will be in vain to expect a *radical* cure, by medical attacks on the body, which can do no more than for the preſent deprive the mind of the inſtruments by which ſhe exhibits her diſtempered faculties.

FOR inſtance: ſuppoſe a perſon to be of an iraſcible,

* Dr. Ruſh.

cible, captious diſpoſition, ſubject to violent and ungovernable guſts of paſſion. To reduce his body by phlebotomy, emetics, cathartics, a ſlender regimen, &c. would probably produce a dejection of ſpirits, and an apparent calmneſs of temper. But muſt this man be kept all his life time in a ſtate of debility? For there is no doubt but that as ſoon as health and vigour are allowed to return, the angry diſpoſitions will return too, and perhaps with encreaſed inveteracy, on account of the reſtriction. So, alſo, if I ſhould be infected with a troubleſome itch for ſcribbling—which heaven forbid!; and my friends, with a view to a cure, ſhould deprive me of pen, ink, and paper. For the preſent, to be ſure, I could not ſcribble: but would the itch be removed?—Far from it—the ſcribbling matter being refuſed a diſcharge, would accumulate, and become more virulent: and ſo ſoon as the neceſſary inſtruments or organs of exhibition could be procured, I ſhould ſcribble worſe than ever.

. . . . . .

THIS ſcheme of whipping the mind over the body's ſhoulders will not, I apprehend, anſwer any permanent purpoſe: and I know of no well authenticated caſes in ſupport of the doctrine. Hath government ever cured a propenſity to theft by the adminiſtration of the whipping-poſt or the wheel-barrow? Amongſt the innumerable experiments

ments that have been made, I never heard of one ſucceſsful inſtance—No; it ſeems more natural, that mental remedies ſhould be preſcribed for mental diſorders; and corporeal phyſic for bodily diſeaſes. Let there be phyſicians and metaphyſicians as two diſtinct profeſſions. I do not mean by *metaphyſicians*, ſuch as are now profeſſors in univerſities and colleges; but *practiſing metaphyſicians*, who ſhall ſtudy the diſorders and irregularities of the human mind, and preſcribe for their cure.

I have conſidered this matter very attentively, and am confident that many of the cares and evils of life might be removed or alleviated by a judicious metaphyſical treatment. The firſt difficulty would be to gain the confidence of the patient in a new ſcience; for this confidence would be as neceſſary to the metaphyſical as it is to the phyſical cure of diſeaſes—and even more ſo—for the imagination would have a great ſhare in the buſineſs, and muſt indeed ſerve as apothecary to the metaphyſician. Wherein does the virtue of pills, potions, and plaiſters principally conſiſt? Surely not ſo much in the ingredients of which they are compoſed, as in the implicit faith of thoſe to whom they are adminiſtered: a proof of which is, that no ſooner is the compoſition generally known but it ſinks into general contempt; nobody will take a

detected noſtrum. If, then, this confidence, this implicit faith of the patient, is ſo uſeful in the operation of *material* medicine, much more ſhould it be cultivated and depended upon in a *metaphyſical* caſe. Poſſeſſed of this, I would undertake, with flattering hopes of ſucceſs, to heal the maladies of the mind by the uſe of diſcreet and obviouſly rational means.

For inſtance: ſhould I find my patient diſpoſed to melancholy, and his mind clouded with imaginary doubts, difficulties, and fears, by poring over polemical divinity, and wading deep in inſcrutable myſteries; I would preſcribe a round of amuſements, much company, and frequent changes of companions. I would by every artifice provoke him to frequent laughter, and plunge him deep in the vanities of this wicked world: but they ſhould be vanities only; for I would on no account violate the bounds of ſtrict morality.

To a patient of a contrary caſt: vain, fickle, loquacious, and full of levity, I would forbid the moſt innocent recreations. I would preſcribe a chapter in the hiſtory of the martyrs every morning before breakfaſt: he ſhould ſtudy algebra till dinner time; in the evening he ſhould hear a long dull ſermon delivered with an unbroken monotony;

and

and ſhould himſelf read one of our acts of aſſembly before going to bed: and I would continue my regimen and remedies until I ſaw an entire change of diſpoſition take place, and a radical cure obtained.

But I am preparing a full account of the diſeaſes of the mind, with the proper mode of treatment in each, illuſtrated by a variety of caſes. This work hath coſt me much ſtudy and deep ſearches into human nature, and the ſubtile ſprings and movements of the moral faculty. Although my book is almoſt ready for publication, yet the evils of the preſent time call ſo loudly for redreſs, that I cannot delay giving an extract from my chapter on the *epidemic* diſeaſes of the mind, in hopes it may be of immediate uſe.

"*Cacoethes maledictionis*, or an inſatiable rage "for ſlander and abuſe. This diſeaſe is peculiar "to free governments. The proximate cauſes are "envy, diſcontent, and an over-weening ambition. "The diagnoſtic ſymptoms are an inveterate ha"tred of men of wealth or abilities, and particu"larly of thoſe in public offices, and an unuſual "predominance of party ſpirit: and the criſis of "the diſtemper is an acrimonious eruption, diſ"charging a deal of prurient matter in private com"panies, or in the public papers. The curative

" indication is manifeſt, for this, like many other " mental diſeaſes, is beſt managed by allowing a free " emiſſion of the peccant humours, and permitting " the moral faculty to purge itſelf by natural diſ- " charges of the malevolent ichor."

THIS quotation ſuggeſts an obſervation or two which will lead directly to my preſent purpoſe. It is recommended, that the moral faculty ſhould be permitted to *purge itſelf* by natural diſcharges. Now, there are but two poſſible ways by which the mind can diſcharge her contents in the *cacoethes maledictionis;* viz. by *actions*, and by *words;* either by ſpeaking, ſcolding, ſtorming, ſwearing, writing, or publiſhing. When theſe means are forbid, or not conveniently obtained, the diſeaſe breaks out into *actions;* viz. beating, bruiſing, mawling, cuffing, kicking, and even murdering, killing, and ſo forth: and, therefore, a free ſcope ſhould be given to *words*, as the moſt ſalutary and ſafe iſſue of the malignant matter.

THE art of printing has been a great bleſſing to mankind, inaſmuch as it affords a moſt convenient opportunity for the people to diſcharge their minds of indigeſted crudities and rankling ſpleen. Before this invention, murders, aſſaſſinations, rebellions, and revolutions, were much more frequent than

ſince.

ſince. The poiſoned cup, and the bloody dagger, are not known in countries where the preſs, and and the free uſe of it, are allowed. As this is a new and a very deep remark, I hope it will be attended to. I know that the leſs ſanguinary character of modern times is generally attributed to the progreſs of civilization. But how has this civilization been advanced? Certainly by the vent which the preſs affords for the morbid minds of the people to get rid of their impurities, and by keeping up a free circulation of ideas, ſo neceſſary to the mental health of man. As a proof, we ſee that, in countries where a free acceſs to the preſs is not permitted, the *ſtilletto* is, even at this day, in uſe.

I come now to make the propoſal which I had in view when I ſat down to write this paper; a propoſal which, I flatter myſelf, will correct and mollify, if not totally remove, the virulence of party ſpirit and perſonal animoſity in this ſtate, and eſpecially in the city; and ſweeten and purify the political atmoſphere of our commonwealth. The preface to this my project is, I confeſs, rather long; but it was neceſſary to ſhew the metaphyſical grounds on which it is founded.

LET there be two public papers inſtituted. The one a weekly and the other a daily paper. Let

Let the printers be commiſſioned by government, and allowed competent ſalaries for their time and trouble. They ſhould be *commiſſioned*, becauſe all other printers ſhould be prohibited from interfering in their department. One of theſe papers may be entitled *The Freeman's Convenience*, and the other *The Chronicle of Scandal*. Let theſe offices be always open as places where the good people of Pennſylvania may eaſe their minds without reſtraint, rebuke, or any hindrance whatever. And whereas ſome men are naturally baſhful, and do not like to be ſeen doing their occaſions, there ſhall not only be a number of fictitious ſignatures provided for their concealment, but the printer ſhall, for the purpoſe of decency, have a tin plate fixed in his window, fronting on a little alley, if his ſituation will permit, otherwiſe on the ſtreet; in which, there ſhall be a ſlit, or opening large enough to receive, ſecretly, any excrementitious matter; and it ſhall, for diſtinction's ſake, be thus inſcribed—"*Wha' wants me?*" Laſtly, the printers, their papers, and their authors ſhould all be *outlawed*. That is, they ſhould be conſidered as beyond the reach of any cenſure or penalty of common or ſtatute law, or reſtrictions by any ordinance, proclamation, or regulation whatever.

By

By this inſtitution all our other public papers would be kept free from impurities, and occupied, as they ought to be, with intereſting or amuſing articles of intelligence, grave or humourous eſſays, advertiſements, &c. and all the filth of the city would be carried off by the two commiſſioned papers. So that after a little time, it would become as ſhocking to good manners for a man to vent his ſpleen in one of the public *news*-papers, properly ſo called, as it would be to commit an indecent evacuation in a private parlour, or a public aſſembly. And thus alſo would the minds of the people be kept ſweet and healthy. For we may refine as we will, but the mind certainly has her indecencies as well as the body, and, when overloaded with indigeſted matter, muſt find a vent ſomewhere. For nature will be obeyed, and ſurely good policy requires that a ſuitable place ſhould be provided for the purpoſe, rather than that the public ſenſe ſhould be continually offended by the evacuations of every diſtempered mind, which, though neceſſary, are neither decked with roſes nor perfumed with amber.

Yet I would not exclude from the common papers of the city attempts at wit and ſatire, or little effuſions in verſe, in the poet's corner. A ſarcaſm is nothing more than ſpitting; and ſo it is uſual

to

to ſay—" He has ſpit his ſpite".—A crude attempt at humour is parallel with blowing one's noſe, for ſuch humours are apt to collect in cold conſtitutions; and a young poetaſter may be put into a conſiderable perſpiration by the ſcorching flames of love—Theſe may all happen in the beſt company without offence, provide they are conducted with decency; and they are certainly neceſſary to health.

I ſhall conclude with an account of two caſes, in proof of my general ſyſtem.

I knew a young man, about 32 years of age, who, from loſſes in trade and croſſes in love, began to grow melancholy, retired and diſcontented. He came to me for advice. I aſked him if he had ever tried to write verſes. He told me that he had upon two or three occaſions, and found that he could tack rhymes together pretty well; but had no thoughts of cultivating the talent. But I adviſed by all means to try what he could do in that way. He followed my preſcription; and employed himſelf for a year or two in writing ſonnets to Mira, Odes to Liberty, and Elegies to birds, and dead lap-dogs, with a variety of other ſubjects, according to the courſe of the humours that infected his mind. He is now of a calm, contemplative

templative habit, but far from melancholy; on the contrary, he is delighted with his own performances, and enjoys the comfort of *ſelf-applauſe*, which, after all, is the moſt ſubſtantial comfort of life.

My ſecond inſtance is that of a German Doctor, who has had, or thinks he has had, a viſion, in which the myſteries and œconomy of the ſpiritual world was manifeſted to him. He has told me the ſtory of this viſion, and a very long ſtory it is—but I heard it all with patient attention. Some time after, he wanted to tell me the ſame ſtory over again, but I begged to be excuſed. Upon which he candidly aſſured me, that he found it abſolutely neceſſary to relate the hiſtory of his viſion, at leaſt once a week, otherwiſe he grew reſtleſs and uneaſy in his mind. He came indeed full up to my preſent ſyſtem, and ſaid, and in direct terms, that it was *a neceſſary evacuation of his mind.*

The practice of the law affords, I confeſs, a convenient out-let for much mental virulence. Not only what are called *ſpite-actions*, but many ſuits of a more ſober aſpect, are only extravaſations of mental bile. But this proceſs is to expenſive and too tedious for general uſe. My propoſal is,

is, I think, much better in every reſpect. It is a ſcheme by which envy and revenge may be gratified without danger and without coſt, and abuſe, ſlander, and invective ſpend themſelves, like rockets, in harmleſs exploſions. For no man, in his ſenſes, will ever think of giving credit to any thing contained in the *Freeman's Convenience or Chronicle of Scandal.*

PROJECTOR.

☞ As I not only drew up for publication the following account of the grand proceſſion, performed at Philadelphia on the 4th of July 1788; but had no ſmall ſhare in planning and directing the arrangement of it, and as it was a ſpectacle as ſingular in itſelf as the occaſion was extraordinary, I have thought proper to give it a place here, that the remembrance of it may have one more chance of preſervation in addition to thoſe of the Newſpapers of the time.

AN

ACCOUNT

OF THE

GRAND FEDERAL PROCESSION.

PERFORMED AT PHILADELPHIA ON FRIDAY THE 4th OF JULY 1778.

ON Friday the 4th of July 1788, the citizens of Philadelphia celebrated the declaration of *Independence*, made by the Thirteen United States of America on the 4th of July 1776, and the eſtabliſhment of the *conſtitution*, or frame of

of government propoſed by the late general convention of the ſtates, and now ſolemnly adopted and ratified by ten of thoſe ſtates.

THE riſing ſun was ſaluted with a full peal from Chriſt Church ſteeple, and a diſcharge of cannon from the ſhip, *Riſing Sun*, commanded by Captain Philip Brown, anchored off Market ſtreet, and ſuperbly decorated with the flags of nations in alliance with America.

TEN veſſels, in honour of the ten ſtates of the preſent union, were dreſſed and arranged the whole length of the harbour; each bearing a broad white flag at the maſt-head, inſcribed with the names of the ſtates reſpectively in broad gold letters, in the following order; *New Hampſhire*, oppoſite to the Northern Liberties; *Maſſachuſetts*, oppoſite to Vine ſtreet; *Connecticut*, to Race ſtreet; *New Jerſey*, to Arch ſtreet; *Pennſylvania*, to Market ſtreet; *Delaware* to Cheſnut ſtreet; *Maryland*, to Walnut ſtreet; *Virginia* to Spruce ſtreet; *South Carolina*, to Pine ſtreet; and *Georgia*, to South ſtreet. The ſhips along the wharfs were alſo dreſſed on the occaſion; and as a briſk ſouth wind prevailed through the whole day, the flags and pennants were kept in full diſplay; and exhibited a moſt pleaſing and animating proſpect.

ACCORDING to orders iſſued the day before, the ſeveral parts which were to compoſe this grand proceſſion, began to aſſemble at eight o'clock in the morning, at and near the interſection of South and Third-ſtreets.

NINE gentlemen, diſtinguiſhed by white plumes in their hats, and furniſhed with ſpeaking trumpets, were ſuperintendants of the proceſſion; viz. general *Mifflin*, general *Stewart*, colonel *Proctor*, colonel *Gurney*, colonel *Will*, colonel *Marſh*, major *Moore*, major *Lenox*, and Mr. *Peter Brown*.

THE different companies of military, trades and profeſſions, had previouſly met in various parts of the city, of their own appointment; where they were ſeparately formed by their officers and conconductors, and marched in order with their reſpective flags, devices, and machines, to the place of general rendezvous. As theſe companies arrived in ſucceſſion, the ſuperintendants diſpoſed of them in the neighbouring ſtreets in ſuch manner as that they might eaſily fall into the ſtations they were to occupy in forming the general proceſſion, as they ſhould be ſucceſſively called upon. By this means the moſt perfect order and regularity was effectually preſerved.

AFTER

AFTER a ſtrict review of the ſtreets of the city, it had been determined, that the line of march ſhould be as follows. To commence at the interſection of South and Third-ſtreets; thence along Third-ſtreet to Callowhill-ſtreet; thence up Callowhill-ſtreet to Fourth-ſtreet; thence along Fourth-ſtreet to Market-ſtreet; and thence to UNION GREEN, in front of Buſh-Hill—*William Hamilton, eſq.* having kindly offered the ſpacious lawn before his houſe at Buſh-Hill for the purpoſes of the day.

THE ſtreet commiſſioners had, the evening before, gone through the line of march, and directed the pavements to be ſwept, the trees to be lopped, and all obſtacles removed.

ABOUT half after nine o'clock the GRAND PROCESSION began to move; of which the following is as correct a detail as could be procured.

I.

TWELVE axe-men, dreſſed in white frocks, with black girdles round their waiſts, and wearing ornamented caps; and headed by major *Philip Pancake.*

II.

II.

THE firſt city troop of light dragoons, commanded by captain *Miles*.

III.

INDEPENDENCE.

JOHN Nixon, eſq. on horſeback, bearing the ſtaff and cap of liberty; under the cap a white ſilk flag, with theſe words, "FOURTH OF JULY, 1776," in large gold letters.

IV.

FOUR pieces of artillery, with a detachment from the train, commanded by by captains *Morel* and *Fiſher*.

V.

FRENCH ALLIANCE.

THOMAS Fitzſimons, eſq. on horſeback, carrying a flag of white ſilk, bearing three fleurs de lys, and thirteen ſtars in union over the words "SIXTH OF FEBRUARY, 1778," in gold characters. The horſe on which he rode was the ſame on which count Rochambeau rode at the ſiege of Yorktown.

VI.

CORPS of light infantry commanded by captain *A. G. Claypoole*, with the ſtandard of the firſt regiment.

VII.

DEFINITIVE TREATY OF PEACE.

GEORGE Clymer, eſq. on horſeback, carrying a ſtaff adorned with olive and laurel: the words—"THIRD OF SEPTEMBER, 1783," in gold letters pendant from the ſtaff.

VIII.

COLONEL *John Shee*, on horſeback, carrying a flag, blue field, bearing an olive and laurel wreath over the words, "WASHINGTON, *the friend of his country*," in ſilver letters: the ſtaff adorned with olive and laurel.

IX.

THE city troop of light dragoons, captain *W. Bingham*, commanded by major *W. Jackſon*.

X.

RICHARD Bache, eſq. on horſeback, as a herald, attended by a trumpet, proclaiming "a new æra!"

the

the words, "NEW ÆRA," in gold letters, pendant from the herald's ſtaff—and alſo the following lines:

"Peace o'er our land her olive wand extends,
"And white rob'd innocence from heav'n deſcends;
"The crimes and frauds of anarchy ſhall fail,
"Returning juſtice lifts again her ſcale."

XI.

CONVENTION OF THE STATES.

THE honourable *Peter Muhlenburg*, eſq. on horſeback, carrying a blue flag, with the words—"SEVENTEENTH OF SEPTEMBER, 1787," in ſilver letters.

XII.

A band of muſic performing a grand march, compoſed by Mr. *Alexander Reinagle* for the occaſion.

XIII.

THE CONSTITUTION.

THE hon. chief juſtice *M'Kean;* the hon. judge *Atlee;* the hon. judge *Ruſh*—in their robes of office; ſeated in a lofty ornamented car, in form of a

large Eagle, drawn by ſix white horſes; the chief juſtice ſupported a tall ſtaff, on the top of which was the cap of liberty; under the cap, the *New Conſtitution* framed and ornamented; and immediately under the Conſtitution, the words—"THE PEOPLE"—in large gold letters affixed to the ſtaff. The car was made by Meſſrs. *George* and *William Hunter*. The carriage was painted light blue, 20 feet long: the hind wheels 8 feet, and the fore wheels 6½ feet in diameter. The body, mounted on ſprings, was 13 feet high, in the ſhape of a bald eagle—from the head to the tail 13 feet—the breaſt emblazoned with 13 ſilver ſtars in a ſky-blue field; and underneath, a ſhield bearing 13 ſtripes, alternate red and white. The dexter talons of the eagle embraced an olive branch: the ſiniſter graſped thirteen arrows.

XIV.

CORPS of light infantry, commanded by captain *Heyſham*, with the ſtandard of the third regiment.

XV.

TEN gentlemen, repreſenting the ſtates that had ratified the federal conſtitution; each carrying a ſmall flag, bearing the name of the [illegible] repreſented

ſented, in gold letters, and walking arm in arm, emblematical of the union, viz.

Duncan Ingraham eſq.	New-Hampſhire.
Jon[a]. Williams, jun. eſq.	Maſſachuſetts.
Jared Ingerſol, eſq.	Connecticut.
Samuel Stockton, eſq.	New-Jerſey.
James Wilſon, eſq.	Pennſylvania.
Col. Thomas Robinſon,	Delaware.
Hon. I. E. Howard, eſq.	Maryland.
Colonel Febiger,	Virginia.
W. Ward Burrows, eſq.	S. Carolina.
George Meade, eſq.	Georgia.

XVI.

Col. *William Williams*, on horſeback, in complete armour, bearing on his arm a ſhield emblazoned with the arms of the United States.

XVII.

The Montgomery troop of light horſe, commanded by captain *James Morris*.

XVIII.

The [illegible] and repreſentatives of foreign ſtates in alli[illegible] America, in an ornamented car drawn by [illegible] horſes: viz.

CAPT. *Thomas Bell*, with the flag of the United States of America.

BARBE de Marbois, *esq*, vice conſul of France.

J. H. C. Heinneken, *esq.* conſul of the United Netherlands, with the flag of Holland.

CHARLES Helſtedt, *esq.* conſul general of Sweden, with the Swediſh flag.

CHARLES W. Lecke, *esq.* with the flag of Pruſſia.

THOMAS Barclay, *esq.* with the flag of Morocco.

XIX.

THE hon. *Francis Hopkinſon*, *esq.* judge of the admiralty, wearing in his hat a gold anchor, pendant on a green ribband, preceded by the regiſter's clerk, carrying a green bag filled with rolls of parchment, the word ADMIRALTY in large letters on the front of the bag.

JAMES Read, *esq.* regiſter of the admiralty court, wearing a ſilver pen in his hat.

CLEMENT Biddle, *esq.* marſhal of the admiralty, carrying a ſilver oar, decorated with green ribbands.

XX.

XX.

THE wardens of the port, and the tonnage officer.

XXI.

COLLECTOR of the cuſtoms and naval officer.

XXII.

PETER Baynton, eſq. as a citizen, and col. *Iſaac Melchor*, as an Indian chief, in a carriage, ſmoaking the calumet of peace together. The ſachem magnificently dreſſed according to the Indian cuſtom: his head adorned with ſcarlet and white plumes; jewels of ſilver hanging from his noſe and ears: ten ſtrings of wampum round his neck; the broad belt of peace and brotherly love in his hand: cloathed with a richly ornamented veſt and other decorations ſuitable to the character.

XXIII.

THE Berks county troop, conſiſting of 30 dragoons, commanded by capt. *Ph. Strubing*.

XXIV.

THE NEW ROOF, or GRAND FEDERAL EDIFICE; on a carriage drawn by ten white horſes.

horſes. This building was in the form of a dome, ſupported by 13 Corinthian columns, raiſed on pedeſtals proper to that order: the frize decorated with 13 ſtars. Ten of the columns were complete, but three left unfiniſhed. On the pedeſtals of the columns were inſcribed, in ornamented cyphers, the initials of the 13 American ſtates. On the top of the dome was a handſome cupola, ſurmounted by a figure of plenty, bearing a cornucopia, and other emblems of her character. The dimenſions of this building were as follows—10 feet diameter—11 feet to the top of the cornice—the dome 4 feet high—the cupola 5 feet high—the figure of plenty 3½ feet high—the carriage on which the building was mounted 3 feet high—the whole 36 feet in height. Round the pedeſtal of the edifice, theſe words, "IN UNION THE FABRIC STANDS FIRM."

THIS elegant edifice was begun and finiſhed in the ſhort ſpace of four days by Meſſrs. *William Williams & Co.*

THE grand edifice was followed by architects and houſe-carpenters, in number 450, carrying inſignia of the trade, preceded by Meſſrs. *Benjamin Loxley, Gunning Bedford, Thomas Nevil, Levi Budd, Joſeph Ogilby*, and *William Roberts*, diſplaying

ing deſigns in architecture, &c.—Mr. *George Ingels* bore the houſe carpenter's ſtandard.—Motto—"JUSTICE AND BENEVOLENCE."

To this corps, the ſaw makers and file cutters attached themſelves; headed by Meſſrs. *John Harper* and *William Cook*, with a flag—a hand and a ſaw-mill-ſaw, gilt, on a pink field.

ON the floor of the grand edifice were ten chairs for the accommodation of ten gentlemen, viz. Meſſrs. *Hilary Baker*, *George Latimer*, *John Wharton*, *John Neſbitt*, *Samuel Morris*, *John Brown*, *Tench Francis*, *Joſeph Anthony*, *John Chaloner*, and *Benjamin Fuller*. Theſe gentlemen ſat as repreſentatives of the citizens at large, to whom the federal conſtitution was committed previous to its ratification.

WHEN the grand edifice arrived at *Union Green*, theſe gentlemen gave up their ſeats to the repreſentatives of the ſtates, mentioned in article XV, who entered the temple, and fixed their flags to the corinthian columns, to which they reſpectively belonged. In the evening, the edifice, with the ten gentlemen repreſenting the ſtates *now in union*, was brought back in great triumph, and with loud huzzas, and left in the area before the ſtate-houſe.

XXV.

XXV.

THE Pennſylvania ſociety of *Cincinnati*, and militia officers.

XXVI.

CORPS of light infantry, commanded by captain *Roſe*, with the ſtandard of the fifth regiment.

XXVII.

THE *agricultural ſociety*, headed by their preſident *Samuel Powel*, eſq. A flag borne by major *Samuel Hodgdon*, on a buff coloured ground in an oval compartment; *induſtry* repreſented by a ploughman, driving a plough, drawn by oxen, followed by the goddeſs of plenty, bearing a cornucopia in her left, and a ſickle in her right, hand. A view of an American farm in the back ground—Motto—"*Venerate the plough.*"

XXVIII.

FARMERS, headed by Meſſrs. *Richard Peters*, *Richard Willing*, *Samuel Meredith*, *Iſaac Warner*, *George Gray*, *William Peltz*, —— *Burkhart*, and *Charles Willing*. Two ploughs, one drawn by four oxen, directed by *Richard Willing*, eſq. in the dreſs and character of a farmer, the other drawn by

by two horſes, and directed by Mr. —— *Burkhart*, followed by a ſower ſowing ſeed, with a number of farmers, millers, &c. *N. B.* This conſpicuous and intereſting part of the proceſſion cannot be minutely deſcribed, as the gentlemen who conducted it live in the country; and there was not time for procuring from them a particular account of the arrangement.

XXIX.

THE *manufacturing ſociety*, with their ſpinning and carding machines, looms, &c. Mr. *Gallaudet* carried the flag; the device, on which was a bee-hive ſtanding in the beams of the ſun—bees iſſuing from the hive. The flag a blue ſilk: motto—"*In its rays we ſhall feel new vigour*," in gold letters: followed by *Robert Hare*, eſq. the managers of the ſociety, ſubſcribers to the inſtitution, committee for managing the manufacturing fund, and ſubſcribers to the fund.

THE carriage 30 feet in length, 18 feet wide, and 13 feet high, neatly covered with white cotton, of the ſociety's manufacture, drawn by ten large bay horſes. On this carriage was placed the carding machine, worked by two men, carding cotton at the rate of 50 ℔ weight per day. Alſo a ſpinning

ſpinning machine of 80 ſpindles, worked by a woman (a native of, and inſtructed in the city) drawing cotton ſuitable for fine jeans or federal rib. On the right hand of the ſtage was placed a lace loom, and a workman weaving a rich ſcarlet and white livery lace. On the left, a man weaving jean on a large loom, with a fly ſhuttle.—Behind the looms was fixed the apparatus of Mr. *Hewſon*, printing muſlins of an elegant chintz pattern; Mr. *Lang*, deſigning and cutting prints for ſhawls; on the right ſat Mrs. *Hewſon* and her four daughters penciling a piece of ſprigged chintz of Mr. Hewſon's printing, all dreſſed in cottons of their own manufacture. On the back part of the carriage, on a lofty ſtaff, was diſplayed the callicoe printer's flag; in the centre 13 ſtars on a blue field, and 13 red ſtripes on a white field; round the borders of the flag were printed 37 different patterns of various colours; one of them a very elegant bed furniture chintz of ſix colours, as ſpecimens of printing done at Philadelphia. Motto—"*May the union government protect the manufactures of America.*" The ſeveral machines, and the different branches of the manufactory, were all in action during the whole time of the proceſſion. This carriage was followed by the weavers of the factory, and others of the ſame trade, about 100 in number, having the weaver's flag carried in front

—a

—a rampant lion on a green field, holding a ſhuttle in his dexter paw—Motto—" *May government protect us.*" The cotton card makers annexed themſelves to this ſociety.

XXX.

CORPS of light infantry, commanded by captain *Robinſon*, with the ſtandard of the ſixth regiment.

XXXI.

THE MARINE SOCIETY.

CAPTAIN *William Greenway*, carrying a globe, attended by captains *Heyſham* and *Albertſon*, with ſpy glaſſes in their hands. Ten captains, five a-breaſt, each carrying a quadrant. viz. *J. Woods*, *J. Aſhmead*, *William Miller*, *Samuel Howell*, *John Souder*, *Robert Bethell*, *W. Allen*, *W. Tanner*, *Leeſon Simmons*, and *George Atkinſon*, followed by the members of the ſociety, ſix a-breaſt, carrying trumpets, ſpy glaſſes, charts, &c. and wearing each a badge in his hat, repreſenting a ſhip under ſail.—89 in number.

XXXII.

THE FEDERAL SHIP *UNION*,

MOUNTING 20 guns, commanded by *John Green*,

Green, eſq. captain *S. Smith*, *W. Belcher*, and Mr. *Mercer*, lieutenants; four young boys in uniform, as midſhipmen; the crew, including officers, conſiſted of 25 men. The ſhip Union was 33 feet in length; her width and rigging in proportion to that length. Her bottom was the barge of the ſhip *Alliance*, and the ſame which formerly belonged to the *Serapis*, and was taken in the memorable engagement of captain *Paul Jones*, in the *Bon Homme Richard*, with the *Serapis*. The *Union* was a maſter-piece of elegant workmanſhip, decorated with emblematical carvings, and finiſhed throughout, even to a ſtroke of the painter's bruſh. And, what is truly ſurpriſing, ſhe was begun and finiſhed in leſs than four days: viz. ſhe was begun at eleven o'clock on Monday morning the 30th of June, and was brought complete to the place of rendezvous, on the Thurſday evening following, fully prepared to join in the general proceſſion. The workmanſhip and appearance of this beautiful object commanded univerſal attention and applauſe, and did great and merited honour to the artiſts of Philadelphia, who were concerned in her conſtruction. She was mounted on a carriage drawn by ten horſes. A large ſheet of canvas was tacked all around along her water line, and, extending over a light frame, hung down to the ground, ſo as to conceal the wheels and machinery; and the canvas

painted to repreſent the ſea, ſo that nothing incongruous appeared to offend the eye. The ceremonies of ſetting ſail, receiving a pilot on board, trimming her ſails to the wind, according to the ſeveral courſes of the line of march, throwing the lead when ſhe approached near to Union Green, her arrival there, caſting anchor, being hailed and welcomed with three cheers, and the captain forwarding his diſpatches to the preſident of the United States, &c. &c. &c. were all performed with the ſtricteſt maritime propriety. But neither time, nor the ſpace allotted for this account, will permit ſuch a detail as would do juſtice to captain *Green* and his crew, and to the builders and workmen concerned in the conſtructing and finiſhing this beautiful and conſpicuous feature in the grand proceſſion.

THE ſhip was followed by the pilots of the port, with their boat, named "*the Federal Pilots*," under the command of Mr. *Iſaac Roach*, who ſheared along ſide the ſhip *Union* at the appointed place, and put Mr. *Michael Dawſon* on board as pilot; then took his ſtation in the proceſſion, attended and took the pilot off again on her arrival.

BOAT-

BOAT BUILDERS.

A frame repreſenting a boat builder's ſhop, 18 feet long, 8 wide, and 13 high, mounted on a carriage drawn by horſes. On the top of the frame was placed the ſhip Union's Barge, elegantly finiſhed. On the enſign ſtaff, a flag, blue field, quartered with 13 ſtripes, in the field an Ax and an adze croſſing each other—Motto "*By theſe we live.*" The barge 10 feet long, manned with a cockſwain and ſix little boys as bargemen, dreſſed in white linen uniform, decorated with blue ribbands. On the platform underneath the barge, were ſeven hands at work, building a boat 13 feet long, which was actually ſet up and nearly completed during the proceſſion. The whole machine was conſtructed with great ſkill, and drawn by four bright bay horſes belonging to, and under the conduct of, Mr *Jacob Toy*, followed by 40 Boat Builders, headed by Meſſrs *Bowyer Brooks* and *Warwick Hale.*

SAIL MAKERS.

A flag, carried by Capt. *Joſeph Rice*, repreſenting an inſide view of a ſail loft, with maſters and men at work—On the top Thirteen Stars—in the fly 5 veſſels—Motto—"May commerce flouriſh, and "induſtry

" induſtry be rewarded :" followed by a number of maſters, journeymen and apprentices.

SHIP CARPENTERS.

HEADED by Meſſrs Francis Grice and John Norris; with the draft of a ſhip on the ſtocks, and caſes of inſtruments in their hands. A flag, on which was repreſented a ſhip on the ſtocks carried by *Manuel Eyres, Eſq.* ſupported by Meſſrs Harriſon, Rice, brewſter, and Humphreys; followed by maſt-makers, caulkers and workmen, to the amount of 330, all wearing badges in their hats repreſenting a ſhip on the ſtocks, and ſprigs of white oak.

SHIP JOINERS.

NICHOLAS YOUNG, conductor, his ſon carrying a cedar ſtaff before him; Robert M'Mullan maſter workman---William M'Mullan and S. Ormes. with a flag, bearing the company's arms. viz. a. binnacle and hen-coop, crooked plains, and other tools of the profeſſion, thirteen ſtripes and Thirteen Stars—10 of them in full ſplendour—Motto—" By theſe we ſupport our fa-

" milies :" followed by 25 of the trade, wearing ſprigs of cedar in their hats.

ROPE-MAKERS AND SHIP-CHANDLERS.

THE flag, carried in front by Richard Tittermary, repreſenting a Rope Yard, with 10 men ſpinning and 3 ſtanding idle, with their hemp about their waiſts—Motto—" May commerce flou-" riſh." Next in front, as leaders, were J. Tittermary, ſen. and G. Goodwin, being the oldeſt of the trade; followed by maſters, journeymen and apprentices, with hemp round their waiſts, &c. about 60 in number.

MERCHANTS AND TRADERS.

THEIR ſtandard, the flag of a Merchant Ship of the United States—in the union 10 illuminated ſtars, 3 only traced out. On one ſide of the flag a ſhip, *the Pennſylvania*, with an inſcription, 4th *July* 1788. On the reverſe of the flag, a globe and a ſcroll, with theſe words—" par tout le mond." The flag ſtaff termined with a ſilver cone, to which a mariner's compaſs was ſuſpended by a ring. The ſtandard borne by Mr Neſbit. Thomas Willing, Eſq. atttended by Meſſrs Charles Pettit, John Wilcocks, John Roſs, and Tench Coxe, the merchants

merchants committee; then the body of merchants and traders, and after them a train of clerks and apprentices, preceded by *Mr Saintonge*, carrying a large ledger.

CORPS of light infantry, commanded by capt. Sproat, with the ſtandard of the 4th regiment.

TRADES AND PROFESSIONS.

N. B. The order of the ſeveral trades, except thoſe concerned in the conſtruction and fitting out a ſhip and houſe carpenters, was determined by *lot*.

XXXIII.

CORDWAINERS.

A carriage drawn by four horſes, repreſenting a cordwainer's ſhop, in which were ſix men actually at work: the ſhop hung round with ſhoes, boots, &c. Mr Alexander Rutherford conductor, Meſſrs Eliſha Gordon and Martin Biſh, Aſſiſtants, followed by a committee of nine, three a-breaſt. Mr James. Roney, junior, ſtandard bearer. The ſtandard—The cordwainers arms on a crimſon field: above the arms, *Criſpin* holding a laurel branch in his right hand, and a ſcroll of parchment in his left; *three hundred* corwainers following, ſix a-breaſt, each wearing a white leathern

apron, embelliſhed with the company's arms, richly painted.

XXXIV.

COACH PAINTERS.

WITH a flag, ornamented with the inſignia of the art, followed by ten of the profeſſion, carrying pallets and pencils.

XXXV.

CABINET AND CHAIR MALERS.

MR. Jonathan Goſtelow carrying the ſcale and dividers; Mr. Jedediah Snowden with the rules of architecture; four of the oldeſt maſters; Mr. James Lee, attended by three maſters bearing the ſtandard, or cabinet maker's arms, elegantly painted and gilt, on a blue field, ornamented with thirteen ſtars; ten radiant and three unfiniſhed; below the arms, two hands united—Motto—"*By unity we ſupport ſociety.*" The maſters ſix a-breaſt, wearing linen aprons and buck's tails in their hats, preceding *the work-ſhop*, ſeventeen feet long, nine feet eight inches wide, and fourteen feet high, on a carriage drawn by four horſes; two ſigns projecting from the ſhop, and inſcribed "Federal cabinet and chair ſhop;" one on each ſide; Mr. John Brown, with journeymen and apprentices at work in the ſhop. The ſhop followed by journeymen

men and apprentices, ſix a-breaſt, wearing lined aprons and buck's tails in their hats; the aprons were all of American manufacture—one hundred in train.

XXXVI.

BRICK MAKERS.

A large flag of green ſilk, on which was repreſented a brick-yard; hands at work; a kiln burning; at a little diſtance a federal city building—Motto—"*It was hard in Egypt, but this "proſpect makes it eaſy.*" Ten maſter brick makers, headed by Mr. David Roſe, ſenior, and followed by one hundred workmen in frocks and trowſers, with tools, &c.

XXXVII.

HOUSE, SHIP, AND SIGN PAINTERS.

ARMS, three ſhields argent, on a field azure; creſt, a hand holding a bruſh, proper—Motto—"*Virtue alone is true nobility.*" The ſtage fourteen feet by ſeven; on it a mill for manufacturing colours; a glazing table, with a ſtone for grinding paint; the ſtage furniſhed with pots, ſaſhes, tools, &c. The buſineſs on the ſtage conducted

by Meſſrs. Stride, Wells, Cowen, Deveter, and M'Elwee. The flag borne by Mr. Fauſburg, as oldeſt painter, ſupported by Meſſrs Flinn and Fullerton, followed by the artiſts, ſix a-breaſt, carrying gilded bruſhes, diamonds, gold hammers, glazing knives, &c. ſixty eight in proceſſion.

XXXVIII.

PORTERS.

LED by John Lawrence and George Green, on each ſide a porter dreſſed, leading a horſe and dray; the horſe richly decorated with blue, white, and red ribbands—on the dray, five barrels of ſuperfine flower; on the head of each barrel, the words "Federal flour;" the dray followed by John Jacobs and 40 porters. The ſtandard borne by David Sparks, of light blue ſilk; the device thirteen ſtripes, thirteen ſtars, three of them clowded; a horſe and dray, four barrels on the dray, and a porter loading a fifth—Motto—"*May "induſtry ever be encouraged*;" the ſtandard, followed by a number of porters; Andrew Dyer and Joſeph Greenwold brought up the rear, all wearing white aprons, tied with ribbands of blue ſilk, and carrying whips, ornamented with blue, white, and red ribbands; the officers wore ſaſhes of blue ſilk.

ſilk. After the proceſſion, the five barrrels of federal flour were delivered to the overſeers for the uſe of the poor.

XXXIX.

CLOCK AND WATCH-MAKERS.

THE company's arms, neatly painted on a ſilk flag—Motto—"*Time rules all things*;" headed by Mr. J. Wood, and followed by twenty three members.

XL.

FRINGE AND RIBBAND WEAVERS.

MR J. Williams, carrying a blue ſtaff, capped with a gilt ball; acroſs the ſtaff 10 wires, to which were ſuſpended implements and ſpecimens of the art. The fringe, lace, and line ſhuttles were each charged with a quill of ſhute to ſhew that they were all in employ—The ribband ſhuttle empty. In the gilt ball was fixed a wire, 18 inches long, from which flowed a ribband of ten ſtripes—Immediately below the croſs-wires, a paper, inſcribed with verſes, compoſed by Mr Williams on the occaſion.

XLI.

XLI.

BRICK-LAYERS.

HEADED by Meſſrs. *Nicholas Hicks*, *William Johnſon*, and *Jacob Graff*, with their aprons and trowels; a flag with the following device; the federal city riſing in a foreſt, workmen building it, and the ſun illuminating it—Motto—"*Both buildings and rulers are the works of our hands.*" The flag attended by Meſſrs. C. Souder, W. Marſh, and Joſ. Wildy, ſupported by Meſſrs. J. Robbins, P. Waglom, T. Mitchell, J. Boyd, Burton Wallace, M. Groves, J. Souder, Edward M'Kaighen, Alexander M'Kinley, ten maſter bricklayers, wearing aprons, and carrying trowels, plum-rules, &c. followed by 55 of the trade.

XLII.

TAYLORS.

HEADED by Meſſrs. Barker, Stille, Martin, and Tatem, carrying a white flag, bearing the company's arms—Motto—"*By union our ſtrength encreaſes;*" followed by 250 of the trade.

XLIII.

XLIII.

INSTUMENT MAKERS, TURNERS, WINDSOR-CHAIR-MAKERS, AND SPINNING-WHEEL MAKERS.

CONDUCTED by captain J. Corniſh. Mr. John Stow, bearing the ſtandard, viz. the turner's arms, with the addition of a ſpinning-wheel on one ſide, and a windſor chair on the other—Motto—"*By faith we obtain.*" Meſſrs. G. Stow, and M. Fox, carrying ſmall columns, repreſenting the ſeveral branches of turner's work. Followed by Meſſrs. Anthony and Maſon, with a group of muſical inſtruments, and ſixty workmen in green aprons.

XLIV.

CARVERS AND GILDERS.

THE carvers and gilders exhibited an ornamentmented car, on a federal plan; viz. it was 13 feet by 10 on the floor, whereon was erected 13 pilaſters richly ornamented with carved work. The capitals of 10 of them were gilt, and labelled with the names of the ſtates in the order in which they acceded to the new conſtitution: the remaining three left ſomewhat unfiniſhed. About 3 feet above the floor, a level railing united to the pilaſters, denoting the equality of the ſubjects. In the centre a column 10 feet high, with laurel twining round it;

it; and on the top a buſt of general *Waſhington*, crowned with laurel, dreſſed in the American uniform, with thirteen ſtars on a collar. The column was ſupported by 10 tight ſtays from the 10 finiſhed pilaſters: three ſlack ſtays hanging from the unfiniſhed pilaſters. Over the general's buſt, the American ſtandard was diſplayed.

In the centre of the front of the carriage was the head of *Phidias*, the moſt eminent of ancient carvers, with emblematical figures ſupporting him. On the inſide of the front railing, a large figure for the head of a ſhip, richly carved and painted: and the whole outſide of the car decorated all round with figures of the ſeaſons, the cardinal virtues, and various devices.

Before the car, walked the artiſts of the ſeveral branches, headed by Mr. Cutbuſh, ſhip carver, and Meſſrs. Reynolds and Jugiez, houſe furniture and coach carvers, together with a number of young artiſts, wearing blue ribbands round their necks, to which were ſuſpended medallions of ten burniſhed gold ſtars on a blue ground. Amongſt theſe, one carried a figure of *Ceres*, another, *Fame*, with her trumpet, announcing the federal union, and another a corinthian column, complete. In the

the car a number of artiſts at work, ſuperintended by Mr. Ruſh, ſhip carver.

XLV.

COOPERS.

CONDUCTED by Mr. D. Dolbey. An elegant flag of the cooper's arms, embelliſhed with thirteen ſtars—Motto—"*May commerce flouriſh—Love as brethren.*" After the flag, Meſſrs. W. King, R. Babe, and J. Lunch, followed by 150 coopers, in white leathern aprons, and wearing badges in their hats.

XLVI.

PLANE MAKERS.

MR. W. Martin in front, with the ſtandard, viz. a white field; a ſmoothing plane on the top; in the middle a pair of ſpring dividers, three planes, a brace, a ſquare, and a guage—Motto—"*Truth:*" followed by 8 workmen.

XLVII.

WHIP AND CANE MAKERS.

A machine on a carriage, a boy in it at work, platting a whip; followed by Mr. M'Calliſter and

journeymen, carrying articles of the trade on the top of a flag—Motto—" *Let us encourage our own* " *manufactures.*"

XLVIII.

BLACK SMITHS, WHITE SMITHS, AND NAILORS.

A machine drawn by nine horſes, repreſenting a Smiths manufactory, being a frame 10 by 15 feet, and 9 feet high, with a real brick chimney extending 3 feet above the roof and completely furniſhed for uſe. In front of the building, three maſter Blackſmiths, viz. N. Brown, N. Heſs, and W. Perkins ſupporting the ſtandard—The Smiths arms highly ornamented—Motto—" By hammer in hand, all arts do ſtand." The Manufactory was in full emply during the proceſſion—Mr I. Mingler, and his aſſiſtant C. Keyſer, completed a ſet of plough irons out of old ſwords; worked a ſword into a ſickle, turned ſeveral horſe-ſhoes, and performed ſeveral jobs on demand.

Mr. J. Goodman, jun. white ſmith, finiſhed a complete pair of pliars, a knife, and ſome machinery, and other work, on demand.

Messrs.

MESSRS. A. Feffinger and B. Brummel forged, finiſhed, and ſold a number of ſpikes, nails, and broad tacks; all which was performed in the ſtreet during the proceſſion. The whole was under the conduct of Meſſrs. Godfrey Gebler, David Henderſon, G. Goddard, Ja. Eſler, Lewis Prahl, and J. Eckfelt; followed by two hundred brother black-ſmiths, white-ſmiths, and nailers.

XLIX.

COACH MAKERS.

PRECEDED by Mr. John Bringhurſt, in a phæton drawn by 2 horſes, carrying a draft of a coach on a white ſilk flag. A ſtage nine feet high, ſixteen feet long, and eight feet wide, on a carriage drawn by four horſes, repreſenting a ſhop, Mr. G. Way, maſter workman, a body and carriage-maker, a wheelwright, a trimmer, and a harneſs maker, all at work, and a painter ornamenting a body. On each ſide of the ſtage, the words, "*No tax on American carriages.*" In the center was erected the ſtandard, of yellow ſilk, emblazoned with the arms of the profeſſion, viz. three coaches on a blue field; the chariot of the ſun appearing through the clouds—Motto—"*The clouds* "*diſpelled, we ſhine forth;*" the ſtaff decorated with the implements of the trade. Ten maſters, each

each bearing a yellow ſilk flag, with the names of the ſtates in union, in letters of gold, on a blue field; five before and five behind the ſtage; the whole followed by one hundred and fifty workmen.

L.

POTTERS.

A flag, on which was neatly painted a kiln burning, and ſeveral men at work in the different branches of the buſineſs—Motto—"*The potter hath power over his clay.*"—A machine, drawn by horſes, on which was a potter's wheel and men at work. A number of cups, bowls, mugs, &c. were made during the proceſſion, followed by twenty potters, headed by Meſſrs. C. Percy and M. Gilbert, wearing linen aprons of American manufacture.

LI.

HATTERS.

Led by Mr. A. Tybout; the ſtandard borne by Mr. J. Gordon, viz. on a white field, a hat in hand; on each ſide a taſſel band; the creſt, a beaver; motto, on a crimſon garter in gold letters; "*With the induſtry of the beaver we ſupport*

"*our*

"*our rights;*" followed by one hundred and twenty four hatters.

LII.

WHEEL WRIGHTS.

A ſtage drawn by two horſes, five men working upon it, making a plough, and a ſpeed for a waggon wheel. The ſtandard, a blue flag—Motto—"*The united wheel-wrights;*" followed by twenty two of the trade, headed by Meſſrs. Conrad, Robinſon, and Nicholas Reep.

LIII.

TIN-PLATE WORKERS.

Preceded by J. Finnaur and Martin Riſer, carrying the ſtandard with the company's arms, followed by workmen in green aprons.

LIV.

SKINNERS, BREECHES MAKERS, and GLOVERS.

Headed by Meſſrs. J. Liſle, and G. Cooper, the one carrying a breaming knife, the other a paring knife. The ſtandard, borne by Mr. Shreiner, viz. on one ſide, a deer and a glove, on the other, the golden fleece, and below it a pair of breeches;

breeches—Motto—" *May our manufacture be equal* " *in its conſumption to its uſefulneſs ;*" followed by fifty eight of the trade, in buckſkin breeches and gloves, and wearing buck's tails in their hats. To theſe Mr. J. Rogers, parchment and glue manufacturer, attached himſelf.

LV.

TALLOW CHANDLERS.

Mr. R. Porter, maſter. Two ſtandards. Firſt, the company's arms on a blue field, trimmed with white, three doves with olive branches. Over the arms an angel bearing St. John Baptiſt's head ; on each ſide, two blazing lamps—Motto—" *Let your light ſo ſhine.*" Second ſtandard, a chandelier of thirteen branches, a lighted candle in each, and thirteen ſtars in a ſilver ſemicircle. Inſcription, " *The ſtars of America a light to the world.*" Motto, at the bottom of the chandelier, " *United in one.*" The uniform, blue and white cockades, blue aprons, bound with white, with a dove neatly painted on each, a white rod, ſurmounted by an olive branch, in each perſon's hand ; twenty in number.

LVI.

VICTUALLERS.

A flag with this inſcription—" The death of anarchy

anarchy and confuſion, ſhall ſeed the poor." Two ax men preceding two ſtately oxen 3000lb weight—a label acroſs the horns of each, the one inſcribed *Anarchy* the other *Confuſion*—Ten boys dreſſed in white, 5 on the right and 5 on the left of the oxen, carrying ſmall flags, with the names of the ſtates of the union inſcribed—A band of muſic-conductors, Meſſrs P. Hall, G. Welper, P. Odenheimer and Conrad Hoff; followed by 86 maſter victuallers, all dreſt in white. The oxen were afterwards killed, the hides and tallow ſold for bread, and given, with the meat, to the poor.

LVII.

PRINTERS, BOOK-BINDERS, AND STATIONERS.

A ſtage 9 feet ſquare, drawn by four horſes-upon the ſtage the federal printing preſs complete, with caſes, and other implements of the buſineſs, furniſhed by ten printing offices. Men at work upon the ſtage in the different branches of the profeſſion. Mr Durant, in the character of *Mercury*, in a white dreſs, ornamented with red ribbands, and having real wings affixed to his head

and feet, and a garland of flowers round his temples—During the proceſſion, the preſs-men were at work, and ſtruck off, and diſtributed amongſt the people, many copies of the following ode, compoſed for the occaſion by *Francis Hopkinſon* Eſquire.

THE ODE.

Oh! for a muſe of fire! To mount the ſkies,
And to a liſtening world proclaim;
Behold! Behold! an Empire riſe!
An Æra new, time as he flies,
Hath entered in the book of fame.
On Alleghany's towering head
Echo ſhall ſtand; the tidings ſpread,
And o'er the lakes, and miſty floods around,
An *Æra new* reſound.

See where Columbia ſits alone,
And from her ſtar beſpangled throne,
Beholds the gay proceſſion move along,
And hears the trumpet and the choral ſong.
She hears her ſons rejoice;
Looks into future times, and ſees
The numerous bleſſings heav'n decrees;
And with her *plaudit*, joins the general voice.

"Tis,

" 'Tis done! 'tis done! my ſons, ſhe cries,
" In war are valiant and in council wiſe.
" *Wiſdom* and *valour* ſhall my rights defend,
" And o'er my vaſt domain thoſe rights extend.
" Science ſhall flouriſh, genius ſtretch her wing,
" In native ſtrains Columbian muſes ſing:
" *Wealth* crown the arts, and *Juſtice* cleanſe her ſcales,
" *Commerce* her pon'drous anchor weigh
——" Wide ſpread her ſails.
" And in far diſtant ſeas her flag diſplay.

" My ſons for freedom fought, nor fought in vain,
" But found a naked goddeſs was their gain;
" *Good government* alone can ſhew the maid
" In robes of ſocial happineſs array'd."

Hail to this feſtival! All hail the day!
Columbia's ſtandard on *her roof* diſplay;
And let the people's motto ever be,
" *United thus*, and *thus united free*."

THIS ode, and alſo one in the German language, fitted to the purpoſe, and printed by *Mr Steiner*, were thrown amongſt the people as the proceſſion moved along. Ten ſmall packages, containing the above ode, and the toaſts for the day, were made up and addreſſed to the ten ſtates in union reſpectively, and theſe were tied to pidgeons, which, at intervals, roſe from Mercury's cap and flew off, amidſt the acclamations of an admiring multitude.

Mr. W. Sellers, ſen. bearing the ſtandard of the united profeſſions; viz. azure, on a cheveron argent, an American bald eagle, volant, between two reams of paper, proper, between three Bibles cloſed, proper. In chief, perched on the point of the cheveron, a dove with an olive branch, of the ſecond. Supporters, two Fames, clothed in ſky-blue, flowing robes, ſpangled with ſtars argent. Creſt, a Bible diſplayed, proper, on a wreath azure and argent. Under the eſcutcheon, two pens placed ſaltiere ways, proper—Motto—"*We protect, and are ſupported by liberty.*" After the ſtandard walked the maſters of the combined profeſſions, followed by journeymen and apprentices, each carrying a ſcroll, tied with blue ſilk binding, exhibiting the word "*Typographer,*" illuminated by ten ſtars in union. Fifty in train.

LVIII.

SADLERS.

A ſadler's ſhop, dreſſed with ſadlery, and a variety of ready made work; elegant American plated furniture, &c. drawn by two fine horſes. In the ſhop, Mr. S. Burrows, and a number of hands at work: one of whom (having the different parts in readineſs) completed a neat ſaddle during the proceſſion. The ſtandard, carried by Mr. Jehoſophat Polk,

Polk and J. Young, was of green ſilk, with the company's arms thereon, elegantly painted and gilt—Motto—"*Our truſt is in God.*" The company was headed by Meſſrs. J. Stephens and J. Marr. Mr. William Haley, ſilver plater, joined himſelf to this corps, carrying a federal bit of his own workmanſhip.

LIX.

STONE-CUTTERS.

THREE apprentices with tools, and two with the orders of the operative lodge: one with the ſtandard in maſon's order; the reſt following with pieces of poliſhed marble. Twenty in number.

LX.

BREAD AND BISCUIT-BAKERS.

A ſtandard of the bread baker's arms, properly emblazoned—Motto—"*May our country never want bread.*" Uniform; white ſhirts, and full plaited aprons, quite round the waiſt, with light blue ſaſhes. A ſtage, with a baker's oven, complete, 6 feet in diameter. Three hands at work as the proceſſion went on, directed by a maſter baker, who diſtributed bread to the people as it was

drawn out of the oven. Headed by Mr. G. Mayer.

THE biſcuit baker's ſtandard. A white flag; a bake houſe, and ſeveral hands at work—Motto —"*May the federal government revive our trade.*" Meſſrs. T. Hopkins and Matthias Landenberger in front of twelve maſters. Meſſrs. I. Peters, ſen. and W. Echart brought up the rear, each carrying a ſmall peel: 150 bakers in proceſſion.

LXI.

GUN-SMITHS.

A ſtage on a four wheel carriage drawn by four horſes, 14 feet long and 8 feet wide, with a motto on each ſide in large letters: "*Federal armoury.*" A number of hands on the ſtage at work, under the direction of two ſenior maſters, J. Nicholſon, and J. Perkins, Ab^{m}. Morrow bearing the ſtandard in the rear of the carriage, viz. a large white ſilk flag, croſs guns in the middle: over the guns the cap of liberty; under the guns, the letters CP (city proof) croſs piſtols, with the letter V (viewed). At the end neareſt the ſtaff, a powder caſk: on the oppoſite end three balls. The uniform, green baize aprons, with green ſtrings.

LXII.

LXII.

COPPER-SMITHS.

A car, 14 feet by 7, drawn by 4 horſes, three hands working at ſtills and tea-kettles, under the direction of Mr. Benjamin Harbeſon.

A ſtandard, bearing the arms of the trade, decorated with emblems, and ſurrounded with 13 ſtars, carried by two, and followed by ſeventeen maſter workmen.

LXIII.

GOLD-SMITHS, SILVER-SMITHS, AND JEWELLERS.

WILLIAM BALL, eſq. ſenior member, carrying an urn. Meſſrs. Jo. Gee and John Germain, with the ſtandard of white ſilk: on one ſide, the ſilverſmith's arms—Motto—"*Juſtitia virtutum regina.*" On the reverſe, the genius of America, holding in her hand a ſilver urn—Motto—"*The purity, brightneſs, and ſolidity of this metal is emblematical of that liberty which we expect from the New Conſtitution.*" Her head ſurrounded by 13 ſtars; 10 very brilliant, two leſs bright, and one with 3 dark points, and two light ones; the laſt emblematical of Rhode-Iſland; alſo one other ſtar emerging bright from

from the horizon, for the riſing ſtate of Kentucke. After the ſtandard, the maſters, journeymen, and apprentices. Thirty-five.

LXIV.

DISTILLERS.

On a ſtandard of blue ſilk, a ſtill, worm-tub, and implements of the buſineſs, neatly painted. The ſtandard borne by Mr. M. Shubart; and followed by 12 diſtillers.

LXV.

TOBACCONISTS.

Headed by Mr John. Riley. The ſtandard of white ſilk; a tobacco plant of 13 leaves, 10 in perfection, 3 not finiſhed; a hogſhead of tobacco on one ſide of the plant, a roll of plug tobacco, a bottle and bladder of ſnuff: over the plant, on the other ſide, 13 ſtars; 10 ſilvered, 3 unfiniſhed. The ſtandard carried by Mr Thomas Leiper—Motto—"Succeſs to the tobacco plant;" each member wearing a green apron with blue ſtrings, and a plume, compoſed of different kinds of tobacco leaves in his hat, and carrying tools of the

the profeſſion in his hand. Conductors, Meſſrs Hamilton, Few, Stimble, and Murphey; 70 in train.

LXVI.

BRASS FOUNDERS.

Mr Daniel King in a car drawn by four grey horſes, with an emblimatical ſtandard; a furnace in blaſt during the proceſſion. He finiſhed a 3 inch howitzer, which was mounted and fired off with the artillery on Union Green. His journeymen and apprentices alſo neatly excuted ſeveral pieces of work—Mottoon the ſtandard—" In vain " the earth hertreaſure hides." The whole exhibition was at the ſole expence of Mr King.

LVII.

STOCKING MANUFACTURERS.

Headed by Mr George Freytag—a white ſtandard; a pair of blue ſtockings acroſs—a cap above; finger mitts below, incircled with a gilded heart—a gold crown with 10 points, on each point a blue ſtar—Motto—" The Union of the American " ſtocking manufacturers." Thirty in train.

LXVIII.

LXVIII.

TANNERS AND CURRIERS.

LED by Mr Geo. Leib, carrying the flag of the companys arms—Motto—"God be with us"—25 in number.

CURRIERS, led by Mr Geo. Oakly carrying the company's flag—Motto—"ſpes noſtra Deus—followed by 34 of the trade, each carrying a currying knife, and wearing a blue apron and a jean coatee of our new manufactory

LXIX.

UPHOLSTERERS.

HEADED by Meſſrs J. Maſon and J. Davis. In front was carried a cuſhion with its drapery, on which fluttered a dove with an olive branch in its mouth, and upon its head a double ſcroll—Motto—"Be liberty thine;" followed by a cabriole ſopha decorated.

LXX.

SUGAR REFINERS.

CONDUCTED by Chr. Kucher Eſq. Capt Ja. Lawerſyler, Meſſrs B. Pennington. J. Morgan, D. Mierken, Adam Coruman and H. Clauſe, wear

ing

ing black cockades, blue ſaſhes, and white aprons. A blue ſtandard arms: on a gold field, the cap of liberty on a ſtaff, between two loaves of ſugar—Motto—"*Double refined.*" Thirteen ſtars in a blue field: creſt, a lighted candle in a candleſtick; on the foot, the word "*Proof;* beneath, "*American manufactures,*" ornamented with ſugar canes; followed by thirty-ſix, wearing white aprons, on which were painted ſugar loaves, marked 10; each carrying ſome implement of the trade.

LXXI.

BREWERS.

TEN in number, headed by Reuben Haines, each wearing 10 ears of barley in his hat, and a ſaſh of hop-vines; and carrying malt-ſhovels and maſhing oars. One dray loaded with malt and hops, and one loaded with two hogſheads and a butt, marked, *Beer*, *Ale*, *Porter;* with this inſcription, "*Proper drink for Americans.*" A ſtandard, carried by Luke Morris: the brewer's arms—Motto—"*Home brewed is beſt.*"

LXXII.

PERUKE MAKERS AND BARBER SURGEONS.

PRECEDED by Meſſrs. Perrie and Tautwine, full

full dreſſed. The ſtandard—the company's arms, on a white field, richly decorated; viz. a pillar, the emblem of ſtrength, ſurmounted with the cap of liberty, and ſupported by twelve hands, in gules, repreſenting the twelve concurring ſtates that called the grand convention. A pelican and her young, in a field, azure. The arms of the barber ſurgeons: a goat rampant, in full coat, argent, in a field, ſable: the arms of the peruke makers, with two arms extended at top, hand in hand, the emblem of union and friendſhip. Supporters: a land and river horſe—Motto—"*United we ſtand.*" The treaſurer of the company, the truſtees, the company, according to ſeniority, hand in hand, 6 a-breaſt, conſiſting of 72, each wearing a white ſaſh, with a black relief down the middle, and cockades of the ſame, in honour of the firſt and great ally of the United States.

LXXIII.

ENGRAVERS.

THEIR armorial inſignia (occaſionally deviced) were, or, on a cheveron, engrailed gules (between a parallel ruler, ſable, barred and ſtudded of the firſt, and two gravers, ſaltiere ways, azure, handled of the third) three plates. Creſt, a copper-plate

plate on a ſand-bag, proper; inſcribed underneath, in large capitals—ENGRAVERS.

LXXIV.

PLAISTERERS.

(No return.)

LXXV.

BRUSH-MAKERS.

A white flag, with a white boar, and a bundle of briſtles over him—Motto—"*Federal bruſh manufactory.*" The flag carried by Mr. Roger Flahavan, jun.

LXXVI.

STAY-MAKERS.

REPRESENTED by Mr. Francis Serré, with his firſt journeymen, carrying an elegant pair of ladies ſtays.*

LXXVII.

CORPS of light infantry, commanded by captain Rees, with the ſtandard of the ſecond regiment.

LXXVIII.

* The ſeveral companies formed their own devices, mottos, and emblems; and the above account is taken from their returns.

LXXVIII.

THE civil and military officers of Congreſs in the city.

LXXIX.

THE ſupreme executive council of Pennſylvania. His excellency the preſident † was too much indiſpoſed to attend.

LXXX.

THE juſtices of the court of common pleas, and the magiſtrates.

LXXXI.

SHERIFF and coroner, on horſeback.

LXXXII.

THE board of city wardens, city treaſurer, and ſecretary of the board, clerks of the market, with ſtandard weights and meaſures, conſtables of the watch, with his two aſſiſtants.

A BAND OF MUSIC.

TWENTY

† Dr. Franklin.

TWENTY watchmen, with their flams decorated, and in their proper dreſs: twenty ſilent watchmen, with theſe ſtaves: other watchmen calling the the hour—" Paſt TEN o'clock, and a glorious STARLIGHT morning!" alluding to the 10 united ſtates, and the ſtars of the union.

LXXXIII.

THE ſtreet commiſſioners.

LXXXIV.

THE gentlemen of the bar, headed by the hon. Edward Shippen, eſq. preſident of the common pleas, and William Bradford, eſq. attorney-general, followed by the young ſtudents in law.

LXXXV.

THE clergy of the different Chriſtian denominations, with the rabbi of the Jews, walking arm in arm.

LXXXVI.

THE college of phyſicians, headed by their preſident, Dr. John Redman, and followed by the ſtudents in phyſic.

LXXXVII.

LXXXVII.

STUDENTS of the univerſity, headed by the vice-provoſt: ſtudents of the epiſcopal academy, and of moſt of the principal ſchools in the city, conducted by their reſpective principals, profeſſors, maſters, and tutors. A ſmall flag borne before them, inſcribed, "*The riſing generation.*"

LXXXVIII.

THE county troop of horſe commanded by major W. M'Pherſon, brought up the rear of the whole.

MAJOR Fullerton attended the right wing, and colonel Mentges the left wing of the line. Meſſrs. Stoneburner, Heiltzheimer, and Jonathan Penroſe, furniſhed and ſuperintended the horſes for the public carriages.

THIS grand proceſſion began to move from the place of rendezvous about half paſt nine (as was beforementioned) and the front arrived at Union Green, in front of Buſh Hill, about half paſt twelve. The length of the line was about one mile and an half, the diſtance marched, about three miles. As the proceſſion paſſed along

Fourth Street it was ſaluted, in military form, by captain David Zeigler and lieutenant John Armſtrong, and their company of continental troops, which happened to be in the city at the time.

A very large circular range of tables, covered with awnings, and plentifully ſpread with a cold collation, had been prepared the day before, by the committee of proviſions. In the center of this ſpacious circle (about 500 feet in diameter) the *grand edifice* was placed, and the *ſhip Union* moored. The flags of the conſuls, and other ſtandards, were planted round the edifice.

As ſoon as the rear of the line arrived at *Union Green*, *James Wilſon*, Eſq. addreſſed the people, from the federal edifice, in the following

ORATION.

MY FRIENDS AND FELLOW-CITIZENS,

YOUR candid and generous indulgence I may well beſpeak, for *many* reaſons. I ſhall mention but *one*. While I *expreſs* it, I *feel* it in all its force. My abilities are unequal—abilities far ſuperior to mine would be unequal to the occaſion, on which I have the honour of being called to addreſs you.

A people, free and enlightened, eſtabliſhing and ratifying a ſyſtem of government which they have previouſly conſidered, examined, and approved! This is the ſpectacle which we are aſſembled to celebrate; and it is the moſt dignified one, that has yet appeared on our globe. Numerous and ſplendid have been the triumphs of conquerors. From what cauſes have they originated? Of what conſequences have they been productive? They have generally begun in ambition; they have generally ended in tyranny. But nothing tyrannical can participate

participate of dignity; and to Freedom's eye, *Seſoſtris* himſelf appears contemptible, even when he treads on the *necks of kings*.

THE ſenators of Rome, ſeated on their curule chairs, and ſurrounded with all their official luſtre, were an object much more reſpectable; and we view, without diſpleaſure, the admiration of thoſe untutored ſavages, who conſidered them as ſo many gods upon earth. But who were thoſe ſenators? They were only a *part* of a ſociety; they were inveſted only with *inferior* powers.

WHAT is the object exhibited to our contemplation? A *whole people* exerciſing its *firſt and greateſt power*, performing an act of *ſovereignty, original and unlimited!*

THE ſcene before us is *unexampled* as well as *magnificent*. The greateſt part of governments have been the deformed offspring of force and fear. With theſe we deign not compariſon. But there have been others who have formed bold pretenſions to higher regard. You have heard of *Sparta*, of *Athens*, and of *Rome*. You have heard of their admired conſtitutions, and of their high prized freedom. In fancied right of theſe, they conceived themſelves to be elevated above the

reſt of the human race, whom they marked with the degrading title of *barbarians*. But did they, in all their pomp and pride of liberty, ever furniſh to the aſtoniſhed world an exhibition ſimilar to that which we now contemplate? Were their conſtitutions framed by thoſe who were appointed for that purpoſe by the people? Were they ſubmitted to the conſideration of the people? Had the people an opportunity of expreſſing their ſentiments concerning them? Were they to *ſtand* or *fall* by the people's *approving* or *rejecting* vote? To all theſe queſtions attentive and impartial hiſtory obliges us to anſwer in the negative. The people were either unfit to be truſted, or their law-givers were too ambitious to truſt them.

THE far famed eſtabliſhment of *Lycurgus* was introduced by deception and fraud. Under the ſpecious pretence of conſulting the oracle concerning his laws, he prevailed on the Spartans to make a temporary experiment of them during his abſence, and *to ſwear* that they would ſuffer no alteration of them till his return. Taking a diſingenuous advantage of their ſcrupulous regard for their oaths, he prevented his return, by a voluntary death; and in this manner endeavoured to ſecure a proud immortality to his ſyſtem.

EVEN

EVEN *Solon*, the mild and moderating *Solon*, far from conſidering himſelf as employed only to *propoſe* ſuch regulations as he ſhould think beſt calculated for promoting the happineſs of the commonwealth, *made* and *promulgated* his laws with all the haughty airs of abſolute power. On more occaſions than one, we find him boaſting with much ſelf-complacency, of his extreme forbearance and condeſcenſion, becauſe he did not eſtabliſh a diſpoſition, in his own favour, and becauſe he did not réduce his equals to the humiliating condition of his ſlaves.

DID *Numa* ſubmit his *Inſtitutions* to the good ſenſe and free inveſtigation of *Rome?* They were received in precious communications from the goddeſs *Egeria*, with whoſe preſence and regard he was ſupremely favoured; and they were impoſed on the eaſy faith of the citizens, as the dictates of an inſpiration that was divine.

SUCH, my fellow-citizens, was the origin of the moſt ſplendid eſtabliſhments that have been hitherto known; and ſuch were the arts to which they owed their introduction and ſucceſs.

WHAT a flattering contraſt ariſes from a retroſpect of the ſcenes which we now commemorate? Delegates were *appointed* to deliberate and

propoſe. They met, and performed their delegated truſt. The reſult of their deliberations *was laid before the people.* It was diſcuſſed and ſcrutiniſed in the *fulleſt*, *freeſt*, and *ſevereſt* manner; by *ſpeaking*, by *writing*, and by *printing*; by *individuals*, and by *public bodies*; by its *friends*, and by its *enemies.* What was the iſſue? Moſt *favourable* and moſt *glorious* to the ſyſtem. By ſtate after ſtate, at time after time, it was ratified; in ſome ſtates *unanimouſly*; on the whole, by a large and very reſpectable majority.

—

It would be improper now to examine its qualities. A decent reſpect for thoſe who have accepted of it will lead us to preſume that it is worthy of their acceptance. The deliberate ratifications which have taken place, at once, recommend the *ſyſtem*, and the *people* by whom it has been ratified.

But why? Methinks I hear one ſay, Why is ſo much exultation diſplayed in celebrating this event? We are prepared to give the reaſons of our joy. We rejoice, becauſe, under this conſtitution, we hope to ſee *juſt government*, and to enjoy the bleſſings that walk in her train.

LET us begin with *peace*; the mild and modeſt harbinger of felicity. How ſeldom does the amiable wanderer chooſe for her permanent reſidence the habitations of men! In their ſyſtems, ſhe ſees too many arrangements, civil and eccleſiaſtical, inconſiſtent with the calmneſs and benignity of her temper. In the old world, how many millions of men do we behold unprofitable to ſociety, burdenſome to induſtry, the props of eſtabliſhments that deſerve not to be ſupported, the cauſes of diſtruſt in times of peace, and the inſtruments of deſtruction in the times of war! Why are they not employed in cultivating uſeful arts, and in forwarding public improvements? Let us indulge the pleaſing expectation, that ſuch will be the *operation* of *government* in the United States. Why may we not hope, that, diſentangled from the intrigues and jealouſies of European politics, and unmoleſted with the alarm and ſolicitude to which thoſe intrigues and jealouſies give birth, our councils will be directed to the encouragement, and our ſtrength be exerted in the cultivation, of *all the arts of peace*?

OF thoſe, the firſt is AGRICULTURE—this is true in all countries. In the United States, its truth is of peculiar importance. The ſubſiſtence of man, the materials of manufactures, the articles of

of commerce; all ſpring originally from *the ſoil.* On *agriculture*, therefore, *the wealth of nations* is founded. Whether we conſult the obſervations that reaſon will ſuggeſt, or attend to the information that hiſtory will give, we ſhall in each caſe be ſatisfied of the influence of government, good or bad, upon the ſtate of *agriculture.* In a government, whoſe maxims are thoſe of oppreſſion, property is inſecure: it is given, it is taken away by caprice. Where there is no ſecurity for property, there is no encouragement for induſtry. Without induſtry, the richer the ſoil, the more it abounds with weeds. The evidence of induſtry warrants the truth of theſe general remarks; attend to *Greece*; and compare her agriculture in *ancient* and *modern* times. *Then*, ſmiling harveſt bore teſtimony to the bountiful boons of liberty: *now*, the very earth languiſhes under oppreſſion. View the *Campania* of *Rome*: how melancholy the proſpect! Which ever way you turn your afflicted eyes, ſcenes of deſolation croud before them. Waſte and barrenneſs appear around you in all their hideous forms. What is the reaſon? With *double tyranny* the land is curſed. Open the claſſic page—you trace, in chaſte deſcription, the beautiful reverſe of every thing you have ſeen. Whence proceeds the difference?

ference? When the deſcription was made, the force of liberty pervaded the ſoil.

BUT is *agriculture* the only art which feels the influence of government? Over *manufactures* and *commerce* its power is equally prevalent: there the ſame cauſes operate; and there they produce the ſame effects. The induſtrious village, the buſy city, the crouded port—all theſe are the gifts of *liberty*—and without a good government, liberty cannot exiſt.

THESE are advantages; but theſe are not *all* the advantages that reſult from a ſyſtem of good government. Agriculture, manufactures, and commerce will enſure to us plenty, convenience, and elegance. But is there not ſomething ſtill wanting to finiſh the man? Are *internal* virtues and accompliſhments leſs eſtimable or leſs attractive than *external* arts and ornaments? Is the operation of government leſs powerful upon the *former* than upon the *latter?* By no means: upon this, as upon a preceding topic, reaſon and hiſtory will concur in their information and advice. In a ſerene mind the *ſciences* and the *virtues* love to dwell. But can the mind of a man be ſerene, when the property, liberty, ſubſiſtence of himſelf, and of thoſe for whom he feels more than for himſelf, depend on a tyrant's

tyrant's nod? If the diſpirited ſubject of oppreſſion can with difficulty exert his enfeebled faculties ſo far as to provide, on the inceſſant demands of nature, food, juſt enough to lengthen out his wretched exiſtence, can it be expected that, in ſuch a ſtate, he will experience thoſe fine and vigorous movements of the ſoul, without the full and free exerciſe of which *ſcience* and *virtue* will never flouriſh? Look around to the nations that now exiſt. View in hiſtoric retroſpect nations that have hitherto exiſted; the collected reſult will be an entire conviction of theſe all intereſting truths:—*Where* TYRANNY *reigns, there is the country of* IGNORANCE *and* VICE. *Where* GOOD GOVERNMENT *prevails, there is the country of* SCIENCE *and* VIRTUE. Under a *good government*, therefore, we muſt look for *the accompliſhed man.*

BUT ſhall we confine our views even here? While we wiſh to be accompliſhed *men* and *citizens*, ſhall we wiſh to be *nothing more?* While we perform our duty, and promote our happineſs in *this* world, ſhall we beſtow no regard upon the *next?* Does no connection ſubſiſt between *the two?* From this connection flows the moſt important of all the bleſſings of good government. But here let us pauſe: *unaſſiſted reaſon* can guide us no farther: ſhe directs us to that *heaven deſcended ſcience*, by which

which LIFE and IMMORTALITY *have been brought to light.*

MAY we not now ſay that we have reaſon for our joy? But while we cheriſh the delightful emotion, let us remember thoſe things which are requiſite to give it *permanence* and *ſtability*. Shall we lie ſupine, and look in liſtleſs langour for thoſe bleſſings and enjoyments to which *exertion* is inſeparably attached? If we would be *happy*, we muſt be *active*. The *conſtitution*, and our *manners*, muſt mutually ſupport and be ſupported. Even on *this* feſtivity, it will not be diſagreeable or incongruous to review the virtues and manners that both *juſtify* and *adorn* it.

FRUGALITY and *temperance* firſt attract our attention. Theſe ſimple, but powerful virtues, are the ſole foundation on which a good government can reſt with ſecurity: they were the virtues which nurſed and educated *infant ROME*, and prepared her for all her greatneſs. But in the giddy hour of her proſperity, ſhe ſpurned from her the obſcure inſtruments by which it was acquired; and in their place ſubſtituted *luxury* and *diſſipation*. The conſequence was ſuch as might have been expected: ſhe preſerved, for ſome time, a gay and flouriſhing appearance; but the internal health

and

and ſoundneſs of her conſtitution was gone. At laſt ſhe fell a victim to the poiſonous draughts which were adminiſtered by her perfidious favourites. The fate of Rome, both in her *riſing* and in her *falling* ſtate, will be the fate of every other nation that ſhall follow *both* parts of her example.

INDUSTRY appears next among the virtues of a good citizen. Idleneſs is the nurſe of villains. The induſtrious alone conſtitute a nation's ſtrength. I will not expatiate on this fruitful ſubject: let one animating reflection ſuffice. In a *well conſtituted commonwealth*, the induſtry of every citizen extends beyond himſelf. A common intereſt pervades the ſociety. *Each* gains from ALL, and *all* gain from EACH. It has often been obſerved, that the *ſciences* flouriſh *all together*; the remark applies equally to the *arts*.

YOUR patriotic feelings atteſt the truth of what I ſay, when, among the virtues neceſſary to merit and preſerve the advantages of a good government, I number a *warm* and *uniform* attachment to LIBERTY, and to the CONSTITUTION. The enemies of liberty are artful and inſiduous. A *counterfeit* ſteals her *dreſs*, imitates her *manners*, forges her

her *ſignature*, aſſumes her *name*: but the real name of the deceiver is LICENTIOUSNESS. Such is her effrontery, that ſhe will charge liberty to her face with impoſture; and ſhe will, with ſhameleſs front, inſiſt that herſelf alone is the *genuine character*, and that herſelf alone is entitled to the reſpect which the *genuine character* deſerves. With the giddy and undiſcerning, on whom a deeper impreſſion is made by dauntleſs impudence, than by modeſt merit, her pretenſions are often ſucceſsful. *She* receives the honours of liberty; and liberty herſelf is treated as a *traitor* and an *uſurper*. Generally, however, this bold impoſtor acts only a *ſecondary* part. Though ſhe alone appear upon the ſtage, her motions are regulated by *dark ambition*, who ſtands concealed behind the curtain, and who knows that *deſpotiſm*, his other favourite, can always follow the ſucceſs of *licentiouſneſs*. Againſt theſe enemies of *liberty*, who act in concert, though they appear on oppoſite ſides, the patriot citizen will keep a watchful guard.

A good conſtitution is the greateſt bleſſing which a ſociety can enjoy. Need I infer, that it is the duty of every citizen to uſe his beſt and moſt unremitting endeavours for preſerving it pure, healthful, and vigorous? For the accompliſhment of this great

great purpoſe, the exertions of no one citizen are unimportant. Let no one, therefore, harbour for a moment the mean idea that he is, and can be of no value to his country. Let the contrary manly impreſſion animate his ſoul. Every one can, at *many* times, perform to the ſtate *uſeful ſervices;* and he who ſteadily purſues the road of patriotiſm has the moſt inviting proſpect, of being able, at *ſome* times, to perform *eminent* ones.

ALLOW me to direct your attention, in a very particular manner, to a momentous part, which, by this conſtitution, every citizen will frequently be called to act. All thoſe, in places of power and truſt, will be elected, either immediately by the people, or in ſuch a manner that their appointment will depend ultimately on ſuch immediate election. All the *derivative* movements of government muſt ſpring from the *original* movement of the *people at large.* If, to *this*, they give a ſufficient force, and a juſt direction, all the others will be governed by its controlling power. To ſpeak without a metaphor; if the people, at their elections, take care to chooſe none but repreſentatives that are *wiſe* and *good*, their repreſentatives will take care, in their turn, to chooſe or appoint none but ſuch as are *wiſe* and *good* alſo. The remark applies to every ſucceeding election and appointment. Thus

the

the characters proper for public officers will be diffuſed from the *immediate elections* of the people over the remoteſt parts of adminiſtration. Of what immenſe conſequence is it, then, that this *primary* duty ſhould be faithfully and ſkilfully diſcharged? On the faithful diſcharge of it, the public happineſs or infelicity under this, and every other conſtitution, muſt, in a very great meaſure, depend. For, believe me, no government, even the beſt, can be happily adminiſtered by *ignorant* or *vicious* men. You will forgive me, I am ſure, for endeavouring to impreſs upon your minds, in the ſtrongeſt manner, the importance of this great duty. It is the firſt *concoction* in politics; and if an error is committed *here*, it can never be corrected in any ſubſequent *proceſs*, the certain conſequence muſt be *diſeaſe*. Let no one ſay, that he is but a *ſingle* citizen, and that his ticket will be but *one* in the box; that *one* ticket may *turn* the election. In battle, every ſoldier ſhould conſider the public ſafety as depending on his *ſingle* arm; at an election, every citizen ſhould conſider the public happineſs as depending on his *ſingle* vote.

A progreſſive ſtate is neceſſary to the happineſs and perfection of man. Whatever attainments are already reached, attainments ſtill higher ſhould

be purſued. Let us therefore ſtrive with noble emulation. Let us ſuppoſe we have done nothing while any thing yet remains to be done. Let us, with fervent zeal, preſs forward, and make unceaſing advances in every thing that can *ſupport*, *improve*, *refine*, or *embelliſh* ſociety.

To enter into particulars under each of theſe heads, and to dilate them according to their importance, would be improper at this time. A few remarks on the *laſt* of them will be congenial with the entertainments of this auſpicious day.

If we give the ſlighteſt attention to *nature*, we ſhall diſcover, that with *utility* ſhe is curious to blend *ornament*. Can we imitate a better pattern? Public exhibitions have been the favourite amuſements of ſome of the wiſeſt and moſt accompliſhed nations. *Greece*, in her moſt ſhining æra, conſidered *games* as far from being the leaſt reſpectable amongſt her public eſtabliſhments. The ſhews of the *circus* evince that, on this ſubject, the ſentiments of *Greece* were fortified by thoſe of *Rome*.

Public proceſſions may be ſo planned and executed, as to join *both* the properties of nature's rule. They may *inſtruct* and *improve*, while they *entertain*

and *pleaſe*. They may point out the elegance or uſefulneſs of the ſciences and the arts. They may preſerve the memory, and engrave the importance of great *political events*. They may repreſent, with peculiar felicity and force, the operation and effects of great *political truths*. The pictureſque and ſplendid decorations around me, furniſh the moſt beautiful and moſt brilliant proofs, that theſe remarks are far from being *imaginary*.

THE commencement of our government has been eminently glorious; let our progreſs in every excellence be proportionably great—it will—it muſt be ſo. What an enrapturing proſpect opens on the United States! Placid *huſbandry* walks in front, attended by the *venerable* PLOUGH—lowing herds adorn our vallies—bleating flocks ſpread over our hills—verdant meadows, enamelled paſtures, yellow harveſts, bending orchards, riſe in rapid ſucceſſion from eaſt to weſt: *Plenty*, with her copious horn, ſits eaſy, ſmiling, and in conſcious complacency, enjoys and preſides over the ſcenes: *Commerce* next advances in all her ſplendid and embelliſhed forms. The rivers and lakes, and ſeas, are crouded with ſhips: their ſhores are covered with cities: the cities are filled with inhabitants: the *arts* decked with elegance,

yet with ſimplicity, appear in beautiful variety, and well adjuſted arrangement. Around them are diffuſed, in rich abundance, the *neceſſaries*, the *decencies*, and the *ornaments* of life. With heartfelt contentment, *Induſtry* beholds his honeſt labours flouriſhing and ſecure. *Peace* walks ſerene and unalarmed over all the unmoleſted regions; while *liberty*, *virtue*, and *religion* go hand in hand, harmoniouſly *protecting*, *enlivening*, and *exalting* all—Happy country! MAY THY HAPPINESS BE PERPETUAL!"

AFTER the oration, the ſeveral light companies were drawn off by captain Heyſham, to an eminence, and fired a feu-de-joie of three rounds, and then the company went to dinner. No ſpirit or wine of any kind were introduced: American porter, beer, and cyder, were the only liquors; and of theſe the ſupplies were very abundant. The whole inner circumference of the circle of tables was lined with hogſheads, butts, and barrels of theſe liquors on tap. The following toaſts were drank, announced by trumpets, and anſwered by the artillery—a round of ten to each toaſt—and theſe were again anſwered by cannon from the ſhip *Riſing Sun*, at her moorings in the river.

TOASTS

TOASTS.

1. THE people of the United States. 2. Honour and immortality to the members of the late federal convention.

3. GENERAL WASHINGTON.

4. THE king of France. 5. The United Netherlands. 6. The foreign powers in alliance with the United States. 7. The agriculture, manufactures, and commerce of the United States. 8. The heroes who have fallen in defence of our liberties. 9. May reaſon, and not the ſword, hereafter decide all national diſputes. 10. The whole family of mankind.

It ſhould not be omitted in this account, that the ſeveral trades furniſhed the devices, mottos, machines, and decorations themſelves, and at the expence of their reſpective companies. And that nearly the whole of the work exhibited on that day, was completed between Monday morning and the Thurſday evening following.

THE military in general, horſe, artillery, and infantry were completely dreſſed, and accoutred, according to the uniform of their reſpective corps, and made a moſt martial appearance; being diſtributed in various parts of the line, they gave a beautiful variety to the whole, and evinced that both ſoldiers and citizens united in favour of the new government.

THE whole of this vaſt body was formed, and the entertainment of the day conducted, with a regularity and decorum far beyond all reaſonable expectation. The foot-ways, the windows, and the roofs of the houſes were crouded with ſpectators, exhibiting a ſpectacle truly magnificent and irreſiſtibly animating. But what was moſt pleaſing to to the contemplative mind, *univerſal love* and *harmony* prevailed, and every countenance appeared to be the index of a heart glowing with urbanity and rational joy. This ſocial idea was much enforced by a circumſtance, which, probably, never before occurred in ſuch extent, viz. The clergy of almoſt every denomination united in charity and brotherly love. May they and their flocks ſo walk through life!

It is impoſſible to be preciſe in numbers on ſuch an occaſion; but averaging ſeveral opinions, there were about 5,000 in the line of proceſſion, and about 17,000 on *union* Greeen. The green was entirely cleared by ſix o'clock in the evening; and the edifice, ſhip, and ſeveral machines, being withdrawn, the citizens ſoberly retired to their reſpective homes. The weather was remarkably favourable for the ſeaſon; cloudy without rain, and a briſk wind from the ſouth during the whole day. At night, the ſhip *Riſing Sun* was handſomely illuminated in honour of this great feſtival.

Such is the account we have been enabled to give of this memorable exhibition. It is very probable there may be ſome omiſſions; if ſo, the committee can only aſſure their fellow citizens, that no neglect or offence was intended to any individual or company whatever. The ſhortneſs of the time, and the complicated nature of the taſk, muſt be their apology.

As the ſyſtem of government now fully ratified, has been the occaſion of much *preſent* joy; ſo,

may it prove a ſource of much *future* bleſſing to our country and the glory of our riſing empire!!!

Publiſhed by order,

FRANCIS HOPKINSON,
chairman of the committee
of arrangement,

July 8th. 1788.

N. B. This extraordinary exhibition was not undertaken in conſequence of any order or recommendation of government, nor was any part of the expence borne by the public treaſury. The *voluntary* exertions and contributions of the citizens furniſhed the whole.

END OF VOLUME SECOND.

DEC 2 1929

DEC 2 1979